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REFORM OF THE ELECTORAL SYSTEM

Introduction

IT is my purpose in this article to examine those features of our electoral system which have been singled out for reform in the amendment to the Constitution recently proposed by Senator Lodge and now under public debate.[1] I must begin, however, by pointing out and commenting upon two things which the Lodge amendment does *not* do, but in respect of which there has been much popular misconception.

In the first place the Lodge amendment does *not* provide for a direct election of the President of the United States by the people at large. The intermediate electors are abolished, but the electoral vote is retained. This means that it would still be possible for a candidate receiving a minority of the popular vote to receive a majority of the electoral vote. Take two states each having 24 electoral votes, and assume that 4 million popular votes are cast in one, 2.4 millions in the other. In state A the Republican receives ¾ of the popular vote, the Democrat ¼; in state B the Republican receives ⅛, the Democrat ⅞. The popular vote in the two states together is 3.3 millions for the Republican, 3.1 millions for the Democrat. But under the Lodge amendment—which provides for prorating the electoral votes of each state between the candidates in proportion to their popular votes therein—the Democrat is credited with 27 electoral votes to the Republican's 21. The proportional voting

[1] 81st Cong., 1st. Sess., S. J. Res. 2 (January 5, 1949).

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system *may* therefore reflect the nation-wide popular vote even less accurately than the currently used general ticket (winner-take-all) system, under which in the given case the two candidates would be credited with 24 electoral votes apiece.

In the second place the Lodge amendment does not get rid of the present unequal weighting of the electoral vote in favor of the small states. Each state will continue to have the number of electoral votes to which its population entitles it, plus 2. Vermont, entitled to 1 vote, will still have 3; New York, entitled to 45 votes, will still have 47. This means that, other things being equal, a voter in Vermont will still have the weight of almost 3 voters in New York.

These facts being understood, it may be asked why Senator Lodge's amendment should not be criticized on the ground that it does not sweep away the whole system of electoral voting and substitute a system of nation-wide popular voting. The answer is complex but will probably satisfy most minds.

To begin with, a good case can be made for the proposition that each equal mass of persons (comprising voters and non-voters alike) is entitled to an equal voice in the choice of a president. If the qualifications requisite for voting are higher in one mass than in another;[2] if, in order to express their disapproval of their party's policy, the voters in one mass stay away from the polls while those in another cast their ballots for opposition candidates; if local issues vary the proportions of the electorate voting in different masses; if stormy weather keeps more voters at home in rural areas than in urban areas—none of these is a valid reason for reducing the weight of the masses casting the fewer votes. The electoral vote may reflect the

[2] On July 25, 1787, in the Federal Convention, Madison, arguing that a choice of the president by the people, or rather by the qualified part of them, was the best mode of appointment that could be devised, noticed the difficulty which arose from the disproportion of qualified voters in the Northern and Southern states, and the disadvanages which this mode would throw on the latter. In replying to this objection he remarked, "(1.) that this disproportion would be continually decreasing under the influence of the republican laws introduced in the Southern States, and the more rapid increase of their population; (2.) that local considerations must give way to the general interest. As an individual from the Southern States he was willing to make the sacrifice." Max Farrand, ed., *Records of the Federal Convention*, II, 111. The acceptance of electoral voting made the sacrifice unnecessary.

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will of the people—of all the people not merely of the active voters—more correctly than the popular vote.

This argument, it is true, does not go to prove the propriety of allowing masses in small states a greater weight than equal masses in large states; and I, for one, regard it as a constitutional solecism that one mass in Delaware should count for as much as three in New York. It is frequently asserted, indeed, that the two extra votes allotted to each state are given to it on the "federal principle" and reflect the equality of the states as corporate entities. But the alleged equality is a figment of the legal imagination, invented to justify what was in its origin a mere act of force. When the thirteen states first associated themselves in the Continental Congress, each was given a single vote. The arrangement was intended to be temporary, however. As was pointed out by Benjamin Franklin in the Federal Convention, the method of voting by states

> was submitted to originally by Congress, under a conviction of its impropriety, inequality, and injustice. This appears in the words of their resolution. It is of September 6, 1774. The words are: "Resolved that in determining questions in this Congress each colony or province shall have one vote: the Congress not being possessed of or at present able to procure materials for ascertaining the importance of each colony." [3]

That force not principle was the controlling factor in the allotment of two senators and two additional electors to each state will be plain to anyone who will bother to read the debates. Hamilton said:

> The truth is it is a contest for power, not for liberty. Will the men composing the small States be less free than those composing the larger? The State of Delaware having 40,000 souls will *lose power,* if she has [in the Senate] 1/10 only of the votes allotted to Pennsylvania having 400,000: but will the people of Delaware *be less free,* if each citizen has an equal vote with each citizen of Pennsylvania? [4]

[3] Farrand, I, 200 (Franklin). For the remarks of Wilson, Gerry, Gouverneur Morris and Madison condemning the equal vote of unequal states as improper and founded on coercion, see *ibid.*, I, 166, 467, 552; II, 8.

[4] *Ibid.*, I, 466.

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Paterson of New Jersey, speaking for the small states admitted the charge:

> It was observed (by Mr. Wilson) that the larger State gave up the point [in the Continental Congress], not because it was right, but because the circumstances of the moment urged the concession. Be it so. Are they for that reason at liberty to take it back? Can the donor resume his gift without the consent of the donee? [5]

The retention in the Lodge amendment of the unequal weighting of the electoral vote in favor of the small states cannot therefore be justified on grounds of justice. The reason for retaining it is expediency: no proposition could at the present time pass the Senate which would deprive the small states of their privileged position.

This same consideration, it is plain, also makes it useless to propose any scheme for electing the president by direct nation-wide popular vote; for the continuance of the small states' privilege depends on the continuance of an electoral voting system. Senator Lodge is entirely right when he says that "to eliminate the credit given for Senators [that is, the two extra electoral votes], or to eliminate any electoral allotment to each State, would destroy any possibility at all of electoral reform." [6]

So much for what the Lodge amendment does *not* do. Its positive proposals may be arranged under three heads. If adopted it would (1) require the electoral votes of each state to be divided between the several candidates for president in proportion to the popular votes cast for each within the state; (2) discontinue the use of intermediate electors; (3) discontinue the umpirage of the House of Representatives in all cases where no candidate has received a majority of the whole number of electoral votes, leaving a plurality sufficient to elect. *Mutatis mutandis,* it would do the same things in respect of the vice president.

[5] Farrand, I, 250.

[6] See his letter of January 12, 1949, in the *New York Times* of January 18. In a letter to the author dated November 4, 1948, Senator Lodge indicated that he was personally in favor of a direct popular election of the president and vice president, but he knew that such proposals had never made any headway in the past and he thought that they would make no headway in the future.

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The Mode of Voting

Let us begin with a bit of history. The Constitution of the United States provides that each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress; these electors are to meet in their respective states and vote for president and vice president; and so on. In the early elections no uniform mode of appointing electors was followed. The three most usual modes were: (1) election by the legislatures; (2) election by the people in districts; (3) election by the people on a general ticket. Of these only the third is at present practiced. According to Madison the district mode—which "was mostly, if not exclusively, in view when the Constitution was framed and adopted"—was "exchanged for the general ticket and the legislative election, as the only expedient for baffling the policy of the particular States which had set the example."[7] The legislative election—under attack from the beginning as violating the spirit and perhaps the letter of the Constitution—gave way to the general ticket in Jackson's time.

That the general ticket is an improper mode of election is not to be denied. Its evils were never better set out than by Senator Benton in 1824:

> The general ticket system, now existing in ten States was the offspring of policy, and not of any disposition to give fair play to the will of the people. It was adopted by the leading men of those States, to enable them to consolidate the vote of the State. . . . It contributes to give power and consequence to the leaders who manage the elections, but it is a departure from the intention of the Constitution; violates the rights of minorities, and is attended with many other evils. The intention of the Constitution is violated, because it was the intention of that instrument, to give to each mass of persons, entitled to one Elector, the power of giving that Electoral vote to any candidate they preferred. The rights of minorities are violated, because a majority of one will carry the vote of the whole State . . . . In New York thirty-six Electors are chosen; nineteen is a majority, and the candidate receiving this majority is fairly entitled to count nine-

[7] Madison to Hay, August 23, 1823. Gaillard Hunt, ed., *The Writings of James Madison* (New York and London, 1910), IX, 151-152.

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> teen votes; but he counts, in reality, thirty-six; because the minority of seventeen are added to the majority. These seventeen votes belong to seventeen masses of people, of forty thousand souls each, in all six hundred and eighty thousand people, whose votes are seized upon, taken away and presented to whom the majority pleases .... To lose their votes, is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed.[8]

Jefferson, it is true, may be quoted to the contrary. Defending in 1800 the action of Virginia in exchanging the district system for the general ticket, he declared that it was "merely a question whether we will divide the United States into 16 or 137 districts."[9] The reasoning is, however, fallacious. It would be valid only if the states were roughly equal in population and had each an equal number of electoral votes. Besides, as Jefferson himself knew, the number of districts is much more than a "mere" question. Madison, writing in 1823, pointed out:

> The States when voting for President by general tickets or by their Legislatures, are a string of beads; when they make their elections by districts, some of these differing in sentiment from others, and sympathizing with that of districts in other States, they are so knit together as to break the force of those geographical and other noxious parties which might render the repulsive too strong for the cohesive tendencies within the Political System.[10]

Senator Lodge proposes to get rid of the evils of the general ticket by a mode which has often been advocated before: proportional voting, that is to say, the division of each state's elec-

[8] 41 *Annals of Congress*, 169-170.

[9] Jefferson to Monroe, January 12, 1800. P. L. Ford, ed., *The Works of Thomas Jefferson* (New York and London, 1905), IX, 90-91. Jefferson's point was that it would be better for all the states to use the general ticket than for some to use it and others the district system: "All agree that an election by districts would be best, if it could be general; but while 10 states choose either by their legislatures or by a general ticket, it is folly and worse than folly for the other 6 not to do it."

[10] Madison to Hay, August 23, 1823.

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toral votes between the candidates in proportion to their popular votes. In 1912, for example, New York's 45 electoral votes, instead of all going to Wilson, would have been cast (to the nearest whole number) 19 for Wilson, 13 for Taft, 11 for Roosevelt, and 2 for Debs.

At first blush this might seem an eminently fair arrangement, and indeed there are probably few today who would not sympathize with the complaint of the Federalist minority of Virginia when the legislature of that state changed in 1800 from the district mode to the general ticket: "We are apt to fancy ourselves called, as citizens of the United States, to vote for the highest officers of the government. But the late Assembly has separated us from our fellow-citizens of the Union, and compels us to speak the voice of Virginia only." [11] Second thoughts, however, may lead us to believe that, though the object of the Lodge amendment is sound, its method is faulty.

I would point out, to begin with, that the principle upon which this amendment would divide a state's votes is the same as that which underlies the system of proportional representation—PR as it is briefly called. Carried to its logical extreme it would require the creation of a plural executive (as recommended by Benjamin Franklin and others in the Federal Convention) in order that the several parties might share in it in proportion to their numbers. The reasoning is simple. If it is "unfair" for a candidate who has received 54 per cent of the nation-wide popular vote to receive 84 per cent of the nation-wide electoral vote, why is it not even more unfair for him to receive 100 per cent of the prize?

It is, to be sure, unlikely that the adoption of the Lodge amendment would actually lead to the creation of a plural executive. There is more danger that it might give countenance to a move for some form of proportional representation in our legislative bodies, national, state and local. If the electoral vote of a state should be divided between the several parties in the same proportions as its popular vote, why not its representation in Congress also? Why should the votes of minorities in geographical constituencies be lost instead of combined with the

11 *Daily Advertiser*, June 6, 1800. Quoted from C. A. O'Neil, *The American Electoral System* (New York and London, 1887), p. 75—an invaluable work.

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votes of like minorities in other districts to make up mathematical constituencies or quotas? The answer I think is this. If a legislative body is to work, its mass must be men of moderate sentiments; for, without compromise between like-minded men of unlike parties, nothing but violent legislation would result. A member whose constituency is geographic must almost perforce be a moderate man; he must have regard for the opinions of the minorities within his district or risk defeat at the next election. But a member whose constituency is mathematical—all Democrats, all Republicans, all anti-vivisectionists or what have you?—must almost necessarily be immoderate; he must be wholly subservient to the wishes of his party managers, or of the splinter "ism" which elects him, or risk being replaced at the next constituency-making by someone who is.[12]

The connection between electoral voting and representation in Congress is very close. The electoral body has often been likened to Congress in joint convention.[13] Senator Baldwin of Georgia, who had been a member of the Federal Convention, once remarked that the electors were a constitutional branch of the government as respectable as Congress, and in whom the Constitution in the business of electing a president had more confidence than in Congress.[14] Many of the early amendments, proposing the establishment of a uniform mode of appointing electors by the people in districts, suggested the same mode for choosing representatives. Many of the plans introduced in the 1870's, similar in principle to Senator Lodge's, but continuing the electors, would have worked equally well for representatives; Senator Lodge's own plan could be adapted to representatives by giving the odd congressional seats remaining after each party's integral quota had been filled, to the parties having the largest fractions.

I submit therefore that the danger to be apprehended from the adoption of proportional voting for the presidency is real. It ought not to be ignored merely because the mode of choosing representatives is not dealt with in the amendment. We must

[12] The fallacies of PR are ably set forth in Bagehot's *English Constitution*, ch. vi.

[13] E.g., 33 *Annals*, 142.

[14] 10 *Annals*, 30 (1800).

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remember the remark with which Senator Hillhouse in 1808 introduced the set of constitutional amendments which some have supposed were meant as the framework for a new confederacy: "All [partial amendments] are aimed at particular detached parts; which, without examining or regarding the bearing on other parts, like partial alterations in a curious complicated machine, may, instead of benefiting, destroy its utility."[15]

What then should be done? I would suggest that the system of proportional voting be dropped from the Lodge amendment and the district system substituted. This, I repeat, is the mode which "was mostly, if not exclusively, in view when the Constitution was framed and adopted." It is also the mode which was advocated after some experience with the Constitution by Hamilton, Jefferson, Madison, Gallatin, James A. Bayard, J. Q. Adams, Van Buren, Benton, Webster, Story, and many others. Senator Benton explained it very well in 1824:

> It would divide every State into districts, equal to the whole number of votes to be given, and the people of each district would be governed by its own majority, and not by a majority existing in some remote part of the State. This would be agreeable to the rights of individuals: for, in entering into society, and submitting to be bound by the decision of the majority, each individual retained the right of voting for himself wherever it was practicable, and of being governed by a majority of the vicinage, and not by majorities brought from remote sections to overwhelm him with their accumulated numbers. It would be agreeable to the interests of all parts of the States; for each State may have different interests in different parts; one part may be agricultural, another manufacturing, another commercial; and it would be unjust that the strongest should govern, or that two should combine and sacrifice the third. The district system would be agreeable to the intention of our present Constitution, which, in giving to each Elector a separate vote, instead of giving to each State a consolidated vote, composed of all its Electoral suffrages, clearly intended that each mass of persons entitled to one Elector, should have the right of giving one vote, according to their own sense of their own interests.[16]

[15] 17 *Annals*, 333.

[16] 41 *Annals*, 169.

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All the objects of the Lodge amendment would be attained equally well by the district system as by the proportional voting system. It is correct to say with Senator Dickerson, author of what used to be called the New Jersey plan of districting, that "upon a calculation of chances, the probabilities of a fair expression of the public will are increased by dividing the States into districts, and in the ratio of the number of districts to the number of States." [17] But the district system is preferable to proportional voting because it maintains the geographical constituencies and gives an equal voice to equal units of population rather than to equal aggregations of actual voters.

The significance of this last consideration in the distribution of a state's electoral votes should not be overlooked. Under the district system each group of, say, 300,000 persons residing in contiguous territory would be entitled to cast one electoral vote, and it would cast this vote regardless of how many of its citizens actually went to the polls. Under the proportional voting system the weight of these equal groups would vary with the turnout. Bad weather, for instance, might give the urban communities a fortuitous advantage over rural communities, as it does today under the general ticket system. Or an unusual interest in some local issue might lead to a community's exercising a disproportionate influence in the choice of a president. In fact, all the arguments which I have brought together in my introduction to justify the principle of electoral voting as against nation-wide popular voting apply with equal force to the system of voting within a state—excepting only that which is based on the disproportion of the qualifications requisite for voting.

The manner of dividing a state into districts should present no special difficulties. Most of the early district system amendments provided for the establishment of as many districts in each state as that state was entitled to electors—the qualifications requisite for voting to be the same as those prescribed for congressional elections. The mode is inconvenient only in so far as it prevents the states from using the congressional district as the unit of voting. It might be better, therefore, if each state

[17] 33 *Annals*, 142.

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were divided by the legislature thereof into as many districts as will equal the number of representatives to which such state may be entitled in Congress. This would enable though it would not compel a state to use its congressional districts as its voting units. The two extra electoral votes to which each state is entitled under the Constitution might be given as a sort of game-winning bonus to the candidate carrying the state as a whole, or the state might be divided into two super-districts, each to cast one vote. In this connection I would point out that in Michigan in 1892 the election was by the people in districts, with the exception of two electors, one of whom was chosen by the eastern, the other by the western part of the state. Such an arrangement has the advantage of bringing into a clear view the principle of equal masses, equal votes. It also exhibits the compromise in the electoral system between the popular and federal principles.

One objection to the district system ought not to pass unnoticed. It is possible, indeed probable, that in districting a state for presidential elections the legislature thereof might resort to the iniquitous practice of gerrymandering.

> What is to become [asked Edward Everett in 1826] of the minorities on the District System? I could here tell the gentleman something about that arrangement in my own State, to which he alluded by a name—which, out of respect to a venerable patriot and statesman of the Revolution, now no more, and who had nothing to do with the transaction, I shall not repeat. At a time, when the parties in the State were nearly balanced, there was a small majority on the Federal side; fifty-one thousand, perhaps, on one side, and forty-nine thousand on the other. In that state of public feeling, by virtue of a system of districts, consisting of adjacent territory, and the same amount of population, (for in all these details, I believe the division was perfectly fair,) it was so contrived that the minority chose twenty-nine State Senators, and the majority chose eleven; and more votes were given for these eleven, than were given for the twenty-nine. This is, indeed, an effectual protection afforded by the District system to the minority! [18]

[18] 2 *Register of Debates*, 1583-1584.

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The solution would be, in the first place, to provide in the Constitution that the districts should be compact and contiguous territories containing, as nearly as practicable, equal numbers of inhabitants—language which appears in the act of 1911 prescribing a single-member district system for representatives. In the second place, it would be to entrust to Congress the same power to make and alter the state regulations regarding presidential elections that it now has in respect of the election of representatives.

Every argument advanced by Hamilton in Nos. 59, 60 and 61 of the *Federalist* to justify the power of Congress to regulate the election of members applies with equal force to the appointment of electors or, in the event of their abolition, to the casting of electoral votes. The same may be said of the arguments of Madison in the Federal Convention:

> The policy of referring the appointment of the House of Representatives to the people and not to the Legislatures of the States, supposes that the result will be somewhat influenced by the mode. This view of the question seems to decide that the Legislatures of the State ought not to have the uncontrolled right of regulating the times, places, and manner of holding elections. These were words of great latitude. It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors [that is, the voters] should vote by ballot or viva voce; should assemble at this place or that place; should be divided into districts or all meet at one place; should all vote for all the representatives; or all in a district vote for a number allotted to the district; these and many other points would depend on the Legislatures, and might materially affect the appointments. Whenever the State Legislatures had a favorite measure to carry, they would take care so to mould their regulations as to favor the candidates they wished to succeed . . . . It seemed as improper in principle—though it might be less inconvenient in practice—to give the State Legislatures this great authority over the election of Representatives of the people in the General Legislature, as it would be to give to the latter a like power over the election of their Representatives in the State Legislatures.[19]

[19] Farrand, II, 240-241.

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Against this it ought to be said that Congress has not been very successful in preventing the gerrymandering of congressional districts and would probably be no more successful in respect of electoral districts. Perhaps so. But the evil would be less. Congressional gerrymandering affects measures; presidential gerrymandering could affect but a single individual. At the very worst it could result in the choice of a man who was considered by the second largest group of persons in the country as the best fitted for the office. And even here it might have a countervailing merit. If the electoral districts were gerrymandered on the same plan as the congressional districts (as they probably would be), the result of the election would be to produce a president in political sympathy with the majority of the House of Representatives.

I would conclude, therefore, that, on a relative view of the merits and demerits of the district system and the proportional voting system, respectively, the palm must be awarded to the former. The district system is clearly to be preferred to the present general-ticket system. Of the proportional voting system we must speak more doubtfully.

The Intermediate Electors

The idea of abolishing the intermediate electors and committing the choice of the president and vice president to the people voting in districts, in states, or in the United States at large is an old one. First advanced in the shape of a constitutional amendment by Senator Benton of Missouri in 1823,[20] it had long been hinted at. In 1801 Jefferson wrote to Gallatin of an "amendment which I know will be proposed, to wit, to have no electors, but let the people vote directly, and the ticket which has a plurality of the votes of any State to be considered as receiving the whole vote of the State."[21] And in 1803 Repre-

[20] H. V. Ames, *Proposed Amendments to the Constitution of the United States* (Washington, 1897), p. 89. Benton himself asserted the novelty of his proposal, 41 *Annals*, 168.

[21] Jefferson to Gallatin, September 18, 1801. Such an amendment would have fixed the general ticket system on the states. The Norris amendment of 1934, as finally voted on by the Senate, was of the same type.

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sentative Holland declared that he would "have preferred an immediate suffrage to this indirect mode of electing by Electors." [22]

The argument which is usually brought forward to support the proposal is very plausible, if not altogether sound. I give it in the words of the Report of a Select Committee of the Senate made January 19, 1826:

> It was the intention of the Constitution that these electors should be an independent body of men, chosen by the People from among themselves, on account of their superior discernment, virtue, and information; and that this select body should be left to make the election according to their own will, without the slightest control from the body of the People. That this intention has failed of its object in every election, is a fact of such universal notoriety, that no one can dispute it .... Electors, therefore, have not answered the design of their institution. They are not the independent body and superior characters which they were intended to be. They are not left to the exercise of their own judgment; on the contrary they give their vote, or bind themselves to give it, according to the will of their constituents. They have degenerated into mere agents, in a case which requires no agency, and where the agent is useless if he is faithful, and dangerous, if he is not. Instead of being chosen for their noble qualities set forth in the *Federalist*, candidates for electors are now most usually selected for their devotion to a party, their popular manners, and a supposed talent at electioneering, which the framers of the Constitution would have been ashamed to possess.[23]

There are some things about this argument which call for comment. While it is doubtless true that the character of the electors has sunk from the standard of perfection visualized by the framers of the Constitution, it is very doubtful that these electors were ever intended to act a part wholly independent of the people. The electoral system was not the invention of

[22] 13 *Annals*, 735.

[23] 2 *Register of Debates*, Appendix, p. 121. Nowadays, in states using the Australian (or short) ballot, the names of the candidates for electors are not printed, so that the people have no idea for what agents they are voting.

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that part of the Federal Convention which distrusted the people [24] but of that part which trusted them. First proposed by James Wilson, it seems to have been regarded by him as an equivalent to an election by the people.[25] In the debates it was advocated not so much as a means of correcting the judgment of the people (and never as a means of ignoring or superseding it) but as a device for getting over the difficulties of disproportionate voting qualifications and negro representation.[26] And when it was finally adopted, Madison had no hesitancy in saying that "the President is now to be elected by the people." [27]

However this may be, it cannot be denied that the electors at the present time exercise much less discretion than was originally expected of them. The Founding Fathers regarded the electors as analogous to representatives. Hamilton called them "a special body of representatives, deputed by the society for the single purpose of making the important choice." [28] Abraham Baldwin, as we have already seen, referred to them as a constitutional branch of the government "as respectable as Congress and in whom the Constitution on this business has

[24] When George Mason declared that "it would be as unnatural to refer the choice of a proper character for chief Magistrate to the people, as it would, to refer a trial of colours to a blind man", he spoke for the minority.

[25] Wilson's plan, seldom or never correctly explained in secondary works, was to divide the United States as a whole into a certain number of districts, each to consist of one or more states, and each to elect a certain number of persons who, meeting as a single body, would choose the executive. This plan, submitted June 2, 1787, was an elaboration of his proposal of the preceding day that the executive be "chosen by the people at large." Nowadays, to be sure, an election by the people at large means a direct vote by nation-wide referendum, but it was not necessarily so in the 18th century. Madison, in the Virginia convention, declared that under the scheme actually adopted the president would be "the choice of the people at large" (Elliot's *Debates*, III, 487). And in the First Congress he spoke of the president as being "appointed at present by the suffrages of three millions of people." 1 *Annals*, 461.

[26] "There was one difficulty however of a serious nature attending an immediate choice by the people. The right of suffrage was much more diffusive in the Northern than the Southern states; and the latter could have no influence in the election on the score of the Negroes. The substitution of electors obviated this difficulty." Madison, July 19, 1787. Farrand, II, 57.

[27] Farrand, II, 587.

[28] *Federalist*, No. 68.

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more confidence than in Congress." [29] And representatives were regarded by the Founding Fathers, not as state ambassadors to be "the mere agents and advocates of State interests and views", but as "the impartial umpires and guardians of justice and general good." [30] "We stand not here", said Thomas Sedgwick in the First Congress, "as the representatives of the State Legislatures . . . but as the representatives of the great body of the people." [31] Nothing of this idea remains today as regards the electors. An elector is viewed as an automaton, a mere organ for conveying the wishes of his constituents to the Electoral College. A notable proof of this fact was given in 1876 when James Russell Lowell, being asked to cast his vote for Tilden in order to prevent the success of a gigantic electoral swindle, replied that he was a mere delegate of his constituents, a trustee to carry out definite instructions, and that to refuse to comply with his mandate would be "treacherous, dishonorable, and immoral." To the Founding Fathers it is the countenancing of a fraud that would have seemed "treacherous, dishonorable, and immoral."

In the light of these considerations the proposal to abolish the intermediate electors is a reform which must appear very reasonable. If the electors are automata, merely registering the will of their constituents, why not ascertain that will directly? The case is not so simple, however. Madison, first consulted on this subject in 1823, later made a very pertinent remark:

> One advantage of Electors is, that altho' generally the mere mouths of their Constituents, they may be intentionally left sometimes to their own judgment, guided by further information that may be acquired by them: and finally, what is of material

[29] 10 *Annals*, 30. On the other hand, the Supreme Court in *Fitzgerald v. Green*, 134 U. S. 379 [1890] has said that "presidential electors, although they are appointed and act under and pursuant to the Constitution, are no more officers or agents of the United States than are the members of State legislatures when acting as electors of Federal Senators, or the people of the States when acting as electors of Representatives in Congress." The Founding Fathers would have denied the analogy; for they likened the electoral body to the persons chosen (senators and representatives) rather than to the persons choosing them (state legislatures and the people).

[30] Farrand, I, 428.

[31] 1 *Annals*, 743.

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> importance, they will be able, when ascertaining, which may not be till a late hour, that the first choice of their constituents is utterly hopeless, to substitute in the electoral vote the name known to be their second choice.[32]

There have been cases where exactly this course has been followed. In 1824, for example, the electors of North Carolina were pledged both to Jackson and Adams with the understanding that they would vote for the one who had the best chance of success.[33] And as recently as 1912 the Roosevelt ticket of electors declared before election that, if Theodore Roosevelt could not be elected and it should become a contest between Taft and Wilson, they would vote for Taft.[34]

Under the present arrangements this advantage of electors may be thought a small one. The operation of the general-ticket system has been such as invariably to give some candidate a majority of the electoral vote. No combination of minority parties could affect the result. But if the general ticket were to be broken up—either by the district system or by proportional voting—occasions might frequently arise when a majority opposition to a plurality candidate might make itself felt. On such occasions the advantage mentioned by Madison would be very considerable.

A second advantage of electors is that they act as a connecting link between the presidency and vice presidency. Being pledged to support the candidates of their parties for both offices, it can seldom happen that the popular election will result in the choice of a president of one party and a vice president of another. It is conceivable, however, that in a close election under the Lodge amendment a popular vice-presidential candidate of a minority party might succeed where his principal failed. The Twelfth Amendment to the Constitution, it will be remembered, was adopted precisely to prevent such a result.

Against these advantages there are, to be sure, disadvantages. Perhaps the most serious is this. The use of intermediate electors

[32] Madison to Robert Taylor, January 30, 1826.

[33] C. O. Paullin, *Atlas of Historical Geography of the United States* (Washington and New York, 1932), p. 96.

[34] *Ibid.*, p. 103.

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limits the choice of voters in each state to those candidates who have electoral tickets, and, more particularly, to those candidates whose electoral tickets appear on the printed ballots. In 1856, for example, it proved impossible for the voters in most of the Southern states to cast a single vote for Frémont and Dayton. In 1912 a Californian could vote for Taft and his unnamed colleague [35] only by writing in the names of thirteen electors. In 1948 the Alabama voters were precluded from voting for Truman and Barkley.

It would appear then that the desirability of abolishing the intermediate electors is not quite so self-evident as it seemed at first glance. What should be done depends mainly on what changes are made in other parts of the electoral system. Principally, as we shall see in the next section, it depends on whether or not some proper mode is introduced of taking the sense of the nation in cases where no candidate for president (or vice president) has obtained a majority of the electoral vote. With such a mode most of the advantages of electors would disappear. Without it, the case might be different.

The Umpirage of Congress

The Twelfth Amendment to the Constitution provides that the person having the greatest number of electoral votes shall be the president, if such number be a majority of the whole number of electors appointed; but if no person have such majority, then the House of Representatives, voting by states and not by heads, shall immediately, by ballot, elect the president "from the persons having the highest numbers not exceeding three on the list of those voted for as President." [36] A majority of all

[35] The Republican candidate for vice president died before election day. It was not until after the election that the Republican National Committee determined that the Republican electors should vote for Nicholas Murray Butler.

[36] The quoted language is very obscure. "I will venture to say that three-fourths of the people who shall read it, will think it is intended to confine the election to three persons; and yet, I understand, it is the intention of the Senate only to confine it to three classes .... The three highest numbers may refer to forty persons, if they should be equal." (Representative Griswold, December 7, 1803; 13 *Annals*, 677, 678). It has also been suggested that the words "not exceeding three" imply that the House might, if it chose, confine the election to the persons having the two highest numbers on the list or to the persons tied with the highest number. Representative Baldwin, December 7, 1803; *ibid.*, p. 679.

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the states is necessary to a choice. The same rule controls the election of the vice president, except that the Senate, voting by heads, makes the choice "from the two highest numbers on the list," a majority of the whole number of senators being necessary to a choice.

The impropriety of this mode of determining the eventual choice of the executive has long been noticed. Jefferson, writing to George Hay in 1823, had no hesitation in saying that he had "ever considered the constitutional mode of election ultimately by the legislature voting by States as the most dangerous blot in our Constitution, and one which some unlucky chance will some day hit, and give us a pope and anti-pope." [37] Madison was of the same opinion:

> ... the present rule of voting for President by the House of Representatives is so great a departure from the Republican principle of numerical equality, and even from the federal rule which qualifies the numerical by a State equality, and is so pregnant also with a mischievous tendency in practice, that an amendment of the Constitution on this point is justly called for by all its considerate and best friends.[38]

Senator Lodge has proposed precisely such an amendment. He would provide simply that "the person having the greatest number of electoral votes for President shall be President." In the event of a tie (an impossible case under the decimal system of computing the electoral vote [39] but quite possible if the electors were to be continued), then the one for whom the greatest number of popular votes was cast shall be president. A similar rule would control the election of the vice president.

High authority can be quoted for the idea of making a plurality sufficient to elect. James Wilson, perhaps the leading member of the Federal Convention, when the subject was

[37] Jefferson to Hay, August 17, 1823. *Works*, XII, 303.

[38] Madison to Hay, August 23, 1823. Similar sentiments may be found in the debates of Congress on the Twelfth Amendment, notably in the remarks of Senator Taylor of Virginia (John Taylor of Caroline).

[39] In prorating the electoral vote of each state the calculations are to be carried to three decimal places, "unless a more detailed calculation would change the result of the election." The probability of two candidates receiving an equal vote to an infinite number of decimal places is virtually nil.

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under debate, once declared that "the concurrence of a majority of people is not a necessary principle of election, nor required as such in any of our States."[40] Mason and Williamson "preferred making the highest though not having a majority of the votes, President, to a reference of the matter to the Senate."[41] Madison and Williamson moved to strike out the word "majority" and insert "one-third" so that "the eventual power might not be exercised" if so many as one third of the electors should vote for the same person.[42]

High authority and strong arguments, however, can likewise be brought forward to sustain a different view. The members of the Federal Convention as a body decided that a majority vote would be necessary for the choice of a president both in the first election by electors and in the contingent election by the House of Representatives. The Eighth Congress and the states, in passing the Twelfth Amendment, extended the majority principal to the case of the vice president.[43] Madison, commenting in 1823 on a proposal identical with that of Senator Lodge, remarked:

> The mode which you seem to approve, of making a *plurality* of Electoral votes a definitive appointment would have the merit of avoiding the Legislative agency in appointing the Executive; but might it not, by multiplying hopes and chances, stimulate intrigue and exertion, as well as incur too great a risk of success to a very inferior candidate? Next to the propriety of having a President the real choice of a majority of his Constituents, it is desirable that he should inspire respect and acquiescence by qualifications not suffering too much by comparison.[44]

[40] July 17, 1787.

[41] September 5, 1787.

[42] September 5, 1787.

[43] The Constitution, as originally adopted, never notices a vote for vice president, and no vote was in fact given for such an office. Each elector wrote the names of two persons on a piece of paper called a ballot: these were his alternative choices for president; either of them might become president. The vice president was, in effect, the runner-up in the presidential contest. He might or might not be the choice of a majority of the electors, depending on whether his vote was or was not in excess of one fourth of the electoral vote.

[44] Madison to Hay, August 23, 1823.

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It is worth observing that these arguments would gain in force by the introduction of a system of proportional voting and the abolition of the intermediate electors; for the former would tend to multiply the number of candidates and the latter would make impossible the subsequent reduction of that number by the device of electors voting their constituents' second choices. It might happen that the leading candidate might have a very small proportion indeed of the popular or electoral vote. He might even be totally obnoxious to a great majority of the nation. As Madison stated to Henry Lee:

> In what degree a plurality of votes is evidence of the will of the Majority of voters, must depend on circumstances more easily estimated in a given case than susceptible of general definition. The greater the number of candidates among whom the votes are divided, the more uncertain must, of course, be the inference from the plurality with respect to the majority.[45]

This consideration alone may be thought sufficient to decide the issue. We must also take into account, however, the certainty that it will not be debated solely on its merits. The present mode of voting in the contingent election is advantageous to the small states. The present mode of appointing electors is advantageous to the large states. The abolition or modification of the one may therefore be regarded as a political equivalent for the abolition or modification of the other. The connection has long been noticed. As early as 1826 Representative McDuffie declared that " the small States will never consent to give up their eventual equality in voting for the President, in this House, unless the large States will consent to break their power of concentration and combination " in the initial electoral voting.[46]

If, then, we accept the desirability, or even the political necessity, of retaining some mechanism of taking the final sense of the majority of the nation, we may briefly review the modes which might reasonably be adopted.

[45] Madison to Lee, January 14, 1825.

[46] 2 *Register of Debates*, 1376.

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A mode first recommended by Representative McDuffie in 1826 deserves consideration: "In case the primary vote of the Electoral Colleges shall fail to decide the election, I propose that the two highest candidates, respectively, shall be referred back to the People, voting directly for the President and Vice President by Districts."[47] Such a scheme could be operated without the intervention of electors at all, and the obstacles to it, being chiefly temporal, could easily be overcome.

An amendment introduced by Senator Van Buren in 1823 proposed that, in like circumstances, the electors should meet again and choose the president from the two persons receiving the highest number of votes at the first election.[48] Such a scheme would transfer the umpirage of elections from the Congress to the Electoral College. In view of the present character of electors, it has not perhaps much to commend it.

Assuming that the umpirage is retained by Congress, the most proper mode of deciding presidential contests is that which Representative Tucker is said to have suggested in 1819—that in electing a president the House of Representatives should vote by heads and not by states.[49] The overriding advantage of this mode is that the president and House of Representatives would surely be of the same political sympathies. It would, however, utterly deprive the small states of the over-representation to which they have become accustomed in the choice of a president.

Perhaps then the mode which has the best chance of success is that which was voted by the Federal Convention when it contemplated allowing the national legislature to choose the president in the first instance—an election by joint ballot of the two Houses, each member to have one vote. Such an arrangement would preserve to the small states the advantage which they now have in the Electoral College but would deprive them of any additional advantage.

As regards the vice president, we need only say that his appointment should depend on the same body that appoints the

[47] 2 *Register of Debates*, 1366.

[48] 41 *Annals* 74, 366.

[49] 34 *Annals*, 1420.

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president. Under the present system, the House might choose a president of one party, and the Senate a vice president of another.

One point remains. From how many persons should the eventual selection be made? In effect the question is between three and two, for none, I suppose, will wish to restore the number, five, prescribed in the original Constitution, or advocate seven or thirteen, as did Sherman, Spaight and Rutledge in the Federal Convention. Here again Madison has supplied the answer:

> It might be a question, whether the *three* instead of the *two* highest names might not be put within the choice of Congress, inasmuch as it not unfrequently happens, that the Candidate third on the list of votes would in a question with either of the two first outvote him, and, consequently be the real preference of the voters. But this advantage of opening a wider door and a better chance to merit, may be outweighed by an increased difficulty in obtaining a prompt and quiet decision by Congress with three candidates before them, supported by three parties, no one of them making a majority of the whole.[50]

Whether any provision should be made for the case where there is an equality of votes among several highest on the list is a moot question. The original Constitution made none, and John Taylor of Caroline thought that none was necessary.[51] Others have thought otherwise.

LUCIUS WILMERDING, JR.

PRINCETON, N. J.

[50] Madison to Hay, August 23, 1823.

[51] 13 *Annals*, 93.

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THE RECONSTITUTION OF THE GERMAN TRADE UNION MOVEMENT

UNDER the stimulus of Allied support and the enthusiastic leadership of experienced and able trade unionists, the labor movement in occupied Germany has waxed strong. Labor unions have been formed in every major industrial center and the developmental stage of stimulating local associations of workers has been replaced by a drive for the formation of zonal and interzonal organizations. Membership in trade unions has mounted rapidly and, even though the number of organized workers already exceeds that of the labor organizations dissolved by Hitler in 1933, the labor unions of the occupation are still growing in size. At present, the German labor movement is virtually at the same level of numerical strength it claimed in the peak years of the Weimar Republic, a period in which labor's influence in the economic and political affairs of Germany was at its zenith.

This development is of world-wide significance. As a heritage of the free labor movement prevailing prior to the National Socialist government, the trade unions which were formed in the occupation have interests in political and social affairs as well as in economic matters and, with the encouragement of the Allies, are actively participating in the planning and implementation of the reconstruction program. Moreover, because unionized workers comprise so large a segment of the population, the pattern, internal structure and administration of their organizations will profoundly affect the character of post-war Germany. There can be no more compelling reason for analyzing the nature of the trade union movement in the occupation than the realization that labor's influence in the new Germany will be a continuing one.

A Uniform Pattern of Reorganization

The reconstitution of the labor movement in Germany followed a uniform pattern once the workers had been freed of

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the Nazi controls over labor and the compulsory German Labor Front.[1] Experienced trade unionists and confirmed anti-fascists assumed the leadership of the new organizations. For the most part, these were men who had been active in the trade unions which the Nazis had banned in 1933.[2] In the years prior to liberation, they had participated in the anti-fascist organizations and demonstrations of the underground; some had been connected with the unsuccessful attempt to overthrow Hitler on July 20, 1944, and many had been subjected to the cruelties of the concentration camp.[3] Once the German army had capitulated and the Nazi government had fallen, the Allies authorized the workers to reëstablish organizations of their own choosing. In cities such as Stuttgart and Frankfurt where the leaders of the pre-1933 trade unions had found it possible to keep a skeleton organization alive despite the ruthless persecution by the Nazis, the reconstitution of the free labor movement under the Allies was notably successful and expeditious. In Munich and other cities, especially those in the French zone, where the new trade union movement got under way slowly, the delay was occasioned more by the cautious attitude of Military Government and outside factors than by the absence of adequate trade union leadership.[4] Only in a few areas, particu-

[1] The German Labor Front, *Deutsches Arbeitsfront* (*DAF*), and its nefarious undertakings were critically examined by Ernest Hamburger in connection with a report (prepared for the New School for Social Research) on social and economic controls in Germany and Russia; a summary of that portion of the study which dealt with the activities of the DAF appeared in the *Monthly Labor Review*, November 1944 (Reprint Serial No. R 1706).

[2] The steps taken by the fascist government in "abolishing the elementary rights and liberties of labour" in 1933 were recorded in chronological order by Jurgen Kuczynski in *A Short History of Labour Conditions in Germany under Fascism* (London, 1944), pp. 94-96.

[3] A series of biographical sketches of trade union leaders in the occupation was published by the Office of Military Government (British Element) in the *British Zone Review* in 1946 (see the issues of August 31, September 14, September 28, October 12, October 26, November 23, December 7, December 21) and 1947 (issues of January 4, January 18, February 1 and March 1).

[4] The reconstitution of the trade union movement in the American zone of occupied Germany, especially the formation and character of labor organizations in the cities of Stuttgart, Frankfurt and Munich, has been described in some detail in *Labor Organization in the U. S. Zone of Germany*, Special Report of the Military Governor, U. S. Zone, April 15, 1946. For more current analyses see Oscar Weigert,

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larly in the Province of Westphalia in the British zone, was the reactivation of the free trade union movement in the early occupation held up for any appreciable period by the lack of energetic and efficient leaders.

The mixture of trade union and anti-fascist experience among the Germans who promoted the early labor organizations (a local trade union committee was usually formed to carry on this work) was evidenced in all of the areas of occupation. In Berlin and the cities of the Soviet zone, however, there was a greater emphasis on the political background of the leaders of the new movement than elsewhere; and in the more important cities, the Soviet Military Government rather than the German worker took the initiative in forming the labor committees which directed the reactivation of the trade union movement in the area. In Berlin, for example, where the Russians were the initial occupiers, the Soviet Military Government on June 10, 1945 appointed a provisional committee of eight German trade unionists and political leaders to take charge of the organization of workers in the city. This committee, on the second day of its existence and with the full approval of the Soviet Military Government, declared that it was the Federation of Free German Trade Unions of Berlin (commonly called the FDGB, the initials of its German title *Freier Deutscher Gewerkschaftsbund*), posted its objectives as a labor organization, and called a meeting of pre-1933 trade unionists to assist in the reconstitution of the labor movement in the city.[5] When the Allied Kommandatura assumed responsibility for the administration of Berlin in the occupation, it accepted the *de facto*

"Labor Relations in the U. S. Zone of Germany", *Monthly Labor Review* (Reprint Serial No. R. 1921), April 1948; Arnold Zemple, "The Labor Situation in Germany", *Military Government Journal*, the Military Government Association Magazine, February 1948, pp. 10-13; and R. Taylor Cole, "Labor Relations in Western Germany", *Visiting Expert Series No. 2*, OMGUS, Manpower Division, October 1948.

[5] Military Government of Germany, *Manpower, Trade Unions and Working Conditions*, Monthly Report of Military Governor, U. S. Zone, No. 6, January 20, 1946, Annex A: "Trade Union Organization in Berlin", p. 17. For a more current analysis of the labor movement in Berlin see Albert H. Berman, "Berlin's Trade Union Fight", *Information Bulletin*, Magazine of United States Military Government in Germany, No. 137, June 15, 1948, pp. 3-5, 29, 30; and Horst Mendershausen, "Democracy Battles for Berlin", *Labor and Nation*, July-August 1948, pp. 30-32, 37.

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existence of the FDGB and to this day the appointees of the Soviets hold positions of prominence in the organization. In the Soviet zone, only one labor organization has been sanctioned and that is the FDGB.[6] Presumably the procedures by which the Berlin federation was established and authorized were followed in industrial centers throughout the Soviet zone. Thus, as distinct from the other zones, the FDGB in Eastern Germany was established as a zonal organization almost from the outset and did not represent the amalgamation of city or *Land* (state) federations of trade unions. It should be noted, too, that, although many of the city federations of labor which came into being in late 1945 and early 1946 called themselves Federations of Free German Trade Unions, they were not related to the federations of the same name in the Soviet zone (although the Communists sought to make it otherwise) save in the case of the Berlin federation. Here there is a close connection between the two organizations. The Berlin and Soviet Federations of Free German Trade Unions are not permitted to be one under Allied regulations, but they manage to act as one.[7]

In addition to the reliance on labor committees made up of experienced trade unionists and political opponents of Hitler, the trade union movement in the occupation avoided the reinstitution of rival unionism. The federations of labor in the Weimar Republic had been competing organizations, and strong prejudices and countless petty jealousies were the common heritage of the leaders of the new movement. But the bond of

[6] MG of Germany, *Manpower* . . . , Monthly Report, No. 7, February 20, 1946, p. 8.

[7] Even in the early occupation there was no official connection between the Free Federations of Labor which sprang up in the major industrial centers of all zones and the Free Federation of Labor of the Weimar Republic. At present there is little similarity between the FDGB and the former Free Federation of Labor which was largely made up of Social Democrats in the labor movement and was a rival to the Communist trade unions.

With respect to the order of the reëstablishment of free labor organizations in the occupation it is interesting to record that the Free German Trade Union League of Aachen was the first of such groups to secure the approval of the Allies. The Aachen labor organization was sanctioned by the United States Military Government in March 1945 prior to the official end of the war. Samuel Liss, "Revival of Free Labor Organizations in the U. S. Occupation Zone in Germany—A Preview", *The Southern Economic* Journal, January 1947, p. 249.

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hatred for the principles and institutions of the National Socialists was sufficient to overcome this in the early occupation, and labor unions were formed free of the religious and political affiliations which had been the primary basis for separation in the past. Although labor's determination to prevent a weakening of economic and political strength through the division of its organizations has since been dissipated (it could hardly have been otherwise in the face of developments in the occupation, especially the disruption of unity among the Allies and the growth of a seeming irreconcilable conflict in the policies and practices of the Western Allies and the Soviets), the drive for solidarity was a powerful force in the initial stages of the occupation and a unified labor movement was launched wherever trade unions were reconstituted.

Still another aspect of uniformity in the German labor movement after the war was the dependence on general unions rather than organizations of workers in a particular craft or industry. In large measure this was the product of the reliance on labor committees and the strong Communist influence among the membership of the committees. The Communists promoted the establishment of "covering" or general unions, since these organizations took in all workers in a particular area (usually the city, but occasionally larger) regardless of their skills and the nature of their employment. Because of their very nature, these highly centralized units could be controlled for purposes of political and economic action far more easily than associations of crafts and industrial unions. In time it became apparent, particularly to the trade unionists of Western Germany, that labor unions of this character were being made the tools of the Communists and most of them were abandoned.

Finally, the reconstitution of the German trade union movement was stimulated by the favorable attitude of the occupying nations. While the Allies have differed, and for that matter are still in disagreement, over the details of implementing a labor policy for Germany, there has never been any question of the status of organized labor in the occupation. Not only were labor organizations permitted but, as will be evident in the discussion which follows, they have been welcomed without exception by Military Government. The labor movement in

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Germany today is, then, to a considerable degree the product of the expressed or implied policy of the Allies. Its strength stems from the support of the ruling nations; its weaknesses reflect the conflict in ideology and the inability of the Allies to reach an agreement on the character of the new Germany.

Allied Policy on Labor Organizations: The Encouragement of Trade Unions

The basic policy of the Allies with respect to German labor organizations has been set forth in the Potsdam Agreement and implemented by the directives of the Control Council and the Kommandatura.[8] In brief, free trade unions are to be permitted in the occupation, subject to the maintenance of military security.[9] Actually, however, the occupying Powers, and this includes France which was not a signatory of the Potsdam Agreement, have interpreted this provision broadly, and bona fide trade unions, as distinct from the pseudo labor organizations promoted by the Nazis, have been encouraged rather than merely permitted in all areas of the occupation.

[8] The Allied Control Council and the Allied Kommandatura (for Berlin) are equal-numbered, quadripartite bodies and the highest organizations of control in the occupation. Since March 1947, however, when the disagreement between the Soviets and the Western Allies first threatened to end four-Power control of Germany, the meeting of these organizations has been neither regular nor constructive. At present, Allied policies in Germany are set more or less unilaterally although the three Allied Powers in Western Germany have had a fairly high degree of coördination of policy. In the case of the United States and the British zones, a joint Allied control agency has actually been the principal source of Allied rule since the economic fusion of the two zones. The French have recently consented to the inclusion of their zone in the economic unit of "Bizonia" and, although they have been reluctant to join the Americans and the British in sanctioning a Government of Western Germany, one is currently being constructed with their approval.

The authority for the establishment of the quadripartite agencies and the objectives of the Allied Control Council are briefly discussed in the *Monthly Report of the Military Governor, U. S. Zone,* No. 2, September 20, 1945, p. 1, while its organization is depicted graphically in *ibid.,* No. 8, March 20, 1946, p. 5. B. U. Ratchford and William D. Ross present a fuller description of the Allied Control Council with personal observations on its operation especially as related to the reparations program in *Berlin Reparations Assignment: Round One of the German Peace Settlement* (Chapel Hill, 1947), pp. 50-55.

[9] Part III A, Section 10, "The Political and Economic Principles to Govern the Treatment of Germany in the Initial Control Period", Agreement (commonly called the Potsdam Agreement) of the Tripartite Conference of the U.S.S.R., the United States and the United Kingdom, Berlin, August 2, 1945.

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For the most part, the encouragement of German trade unions by Military Government antedated both the agreement made at Potsdam and the subsequent implementing actions of the Control Council. Military Government in the United States zone, for example, was guided in this respect by the provisions on labor organizations in the SHAEF *Manual for Military Government Officers* and the directive of the Joint Chiefs of Staff (known as JCS 1067) to the United States Military Governor of Germany. In fact, in carrying out the policy of encouraging trade unions, the Military Governor added a labor advisor to his staff for the purpose of assisting in the reactivation of the labor movement in the American area of occupation.

There is a common recognition of the influence of labor organizations in the economic and political development of the reconstruction; and the Allied Powers seem to share the belief that if a new, democratic Germany is to arise, its principal source of strength will be the worker and his trade union. It is unfortunate that the divergent ideologies of the Soviets and the Western Allies have been permitted to mar this joint faith in the labor movement and to prevent agreement on the principles of democratic trade unionism and German democracy.

Free Trade Unions and the Removal of Restrictions on Their Formation

In order to secure some uniformity in carrying out the policy on labor unions agreed to at Potsdam, the Allies found it necessary to define the term "free trade unions". After considerable discussion it was agreed that free, when used in conjunction with trade unions, meant freedom from the domination of the state. In particular, the Allies intended to prevent trade unions from developing the same relationship with the government as the German Labor Front in the National Socialist state.

While there has been some question of the extent to which trade unions in Eastern Germany are really free of Russian domination—their officers are closely associated with the Socialist Unity party, the product of the Soviet-sponsored and controlled *Einheit* of the Social Democratic and Communist parties, and their policies and practices rigidly follow the Moscow line—no labor organization in Germany at present has an official con-

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nection with the government. The relationship between the trade unions and the local government in Germany is no different than that existing in our own country, even though many of the labor federations in the occupation, as for example the Federation of Free German Trade Unions of Berlin and the federations of labor of the "states" in the United States zone, have used the name of the city or of the *Land* in which the majority of their affiliated unions are located.

At the same time that the Allies agreed on a definition of free trade unions, they removed the restrictions on the formation of labor organizations which had been imposed in the Hitler régime. One of the first actions taken in this regard was the formal assurance of Military Government that workers in the occupation had the "right to organize". In reality, this was a restoration of former rights, since the right of workers to form organizations of their own choosing had been a civil right in the Weimar Republic. While all of the occupying Powers let it be known directly upon entering Germany that workers would be free to establish their own organizations, the formal declarations of this policy came later. In the United States zone, the right of workers to organize was officially restored by a directive of the Military Government and the posting of public notices on August 21, 1945. In all zones the offices of the Labor Trustees, the Office of the Plenipotentiary for the Employment and Distribution of Labor, the Social Honor Courts, the German Labor Front, the Nazi law of 1934 for "The Organization of National Labor", and other institutions, devices and legislation providing the National Socialists with control over labor were abolished on the ground that they were instrumentalities of the state designed to prevent the free organization of workers and to facilitate Nazi party domination.[10] The property and funds of the German Labor

[10] See Law No. 77, "Suspension of Certain Organizations and Offices Concerned with Labor", *Military Government Gazette: Germany, U. S. Zone*, Issue A, June 1946, p. 48; also Proclamation No. 2 and Law No. 2 abrogating the German Labor Front and the Nazi Worker party, dated September 20, 1945 and October 10, 1945, respectively. The Nazi labor law of 1934 was repealed by Control Council Law No. 40, November 30, 1946. The texts of all laws, directives, and proclamations of the Allied Control Council are printed in the *Official Gazette of the Control Council for Germany*, Berlin Allied Secretariat.

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Front, which in large part represented confiscations from the pre-Nazi labor organizations, were retained by Military Government for distribution at a later date to trade unions formed during the occupation.

Democratic Trade Unions

In implementing the policy on labor organizations, the Allies have had difficulty in reaching an agreement on the measures necessary to insure the establishment of democratic trade unions. All of the occupying Powers have agreed that trade unions should be democratic, but as yet no standard for the attainment of democracy in labor organizations has proved acceptable to both the Western Allies and the Soviets.

The experience of the United States in seeking to encourage democracy in trade unions in its zone of occupation has been an interesting one. At the beginning of the occupation, the Americans hoped that labor unions would be reconstituted through the spontaneous action of the workers in one plant after another. In some areas, notably Munich and other Bavarian cities, Military Government's insistence on this procedure combined with other factors to retard the initial organizational drive.[11]

The requirement that trade unions "should first be local in character and should be extended no faster than the proven capacity for democratic responsibility and action" became the basic criterion of United States policy in the early stages of the occupation.[12] This was an admirable objective, but it came into conflict with the more fundamental policy of expediting the reactivation of the German labor movement. As soon as it became apparent that labor unions were forming too slowly to be of service in building the new Germany, there was a relaxation of Military Government's insistence on unionization from "the bottom up"; but the emphasis on local determination

[11] The development of the American policy of stimulating labor organization from the "bottom up" rather than from the "top down" has been briefly recorded and analyzed by Samuel Liss, *loc. cit.*, pp. 249-250.

[12] MG of Germany, *Manpower* . . . , Monthly Report, No. 3, October 20, 1945, p. 4.

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was maintained in the interest of sponsoring democratic trade unions, and formal approval of the committees as a labor organization was withheld until they had been accepted by the workers in a plant, industry, area, or (less frequently) a craft.

Prior to the approval of a labor union by Military Government, the shop stewards in most plants served as the spokesmen for labor in all dealings with management. In a few instances, this gave rise to conflicts between the stewards and the trade unions, eventually recognized as the chosen representatives of the workers. This was especially the case where the stewards and the leaders of the trade union movement did not share the same ideology. The Communists, in particular, sought to dominate the German labor movement through their control of the stewardships, but the insistence of the United States on democratic elections of shop stewards limited the selection of Communists to plants in which they represented the will of the majority of the workers. For the most part, however, the system of stewardships and trade unionism complemented one another in much the same manner as they had in the Weimar Republic.

With the relaxation of the restrictions on the formation of labor organizations, the United States Military Government focused its attention on the internal affairs of trade unions and required the adoption of rules designed to make certain that labor unions would be run democratically. Among the requirements established for trade unions with this purpose in mind were the following: [13]

1. Officers were to be elected by secret ballot only and at regularly stated intervals not to exceed one year.
2. Nominations were to be free, and an adequate period was to be provided between the time of nomination and the election.
3. There were to be periodic meetings of the membership and a clear statement of the obligations of the membership to the union.

[13] MG of Germany, *Manpower* . . . , Monthly Report, No. 6, January 20, 1946, p. 8.

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4. No organization was to federate or amalgamate with another without the prior approval of its membership.
5. Adequate and regular reports were to be submitted to the membership on the financial status of the union.
6. Dues were to be approved by the membership, and assessments were to be limited to the amount authorized by a majority vote of the membership.
7. Union constitutions were to be approved by the membership with a majority vote necessary for ratification.
8. A member was not to be expelled without a hearing before a body composed of an officer of the union and members from his own shop.

Structure of Organization: Industrial Unionism

In the matter of trade union structure, the trend of German organizations in the occupation has been toward a broad base of membership. While craft unions have been formed, they are decidedly in the minority.

The preference for industrial organizations is not an innovation of the occupation (although the breakdown of skills, the narrowing of wage differentials, and the limits imposed on collective bargaining by the Allies have created conditions which are more conducive to organization by industry than by craft); it is, rather, a carry-over from the trade unionism of the Weimar Republic. Nor did the experience of organized labor under the Nazis in any way diminish this preference for industrial or multi-industrial unions. To German labor the fact that organization by craft made it more difficult to unite workers in common economic and political ends was of greater concern than the realization that industrial unions made it easier for ruthless leaders to gain control of the labor movement and misguide it.

Whenever German trade unionists planned for the post-war reconstruction of the labor movement, this preference for industrial unionism came to the fore. For example, at the international conference of trade unionists held in Stockholm in February 1944, the German representatives (all leaders of pre-1933 labor organizations) emphasized the necessity for organ-

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ization on an industrial base.[14] Labor leaders in the occupation have frequently declared that, in their experience, jurisdictional problems and internal dissension have proved to be by-products of craft organization, and their choice of industrial unionism has been governed by the desire to avoid these difficulties.

Thus as a heritage of the past, and in keeping with the trend of free trade unionism in Germany, most labor organizations which were formed in the occupation have extended membership to all persons employed in an industry or in several more or less related industries. The base of membership has been broader generally than that of industrial unions in this country, for it nearly always includes clerical and supervisory employees as well as manual workers. In the early occupation German labor leaders were fairly successful in discouraging unions of white-collar workers on the ground that they would complicate the task of organization and destroy the unity of employees in a plant or industry. In time, however, the white-collar workers developed a strong sentiment for separation; and at present there is a widespread movement among the "employees' unions" to disassociate from the "workers' unions".

Centralized Labor Organizations

In addition to the preference for industrial as distinct from craft unionism, a number of trade unionists in the early occupation favored a centralized structure of organization. This was an innovation. Even in the months immediately after the war, when this form of organization was most popular, its introduction was resisted by a small but influential group, composed mostly of the "old timers" and the "moderate" socialists in the labor movement. They insisted on the preservation of the principles of the rule of the majority and the rights of the minority in organization and the autonomy of the individual union in federation. Gradually, centralized organizations were abandoned in many of the areas in which they had been instituted. The broad question of trade union structure, but particularly the question of autonomy in federation, be-

[14] John P. Umbach, "Labor Conditions in Germany", *Monthly Labor Review*, March 1945, p. 515.

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came a part of the ideological dispute; and in time the acceptance or rejection of centralized organizations proved a reliable indicator of whether the trade union was pro- or anti-communist.

At present the trade unionists of Eastern Germany are the principal proponents of centralization, and the structure and administration of their organizations are models in this respect. Only Communists and "sympathizers" are permitted to be the leaders of the labor movement in the Soviet zone, and their promotion of tightly controlled federations of labor dates from the rejection of the "general" or "all-covering" type of labor organization by the trade unions of the Western zones in the early occupation. The unions affiliated with the FDGB of Berlin and the Soviet zone are allowed little or no autonomy in the administration of their affairs. The executive committee of the FDGB sets all of the major economic and political policies and the individual unions are rarely authorized to deviate from them. Moreover, the member unions are not permitted to have treasuries independent of that of the Federation. The dues and funds collected by the unions must be turned over to the executive committee which has absolute control over their expenditure and is not bound by any fixed principle of allocation in reapportioning the funds among the affiliated unions. This concentration of power in the executive committee, together with the inability of the non-Communist members of the FDGB to gain representation on the policy-making body under the permitted voting procedures or to make headway in their fight to secure autonomy for their unions, was a major factor in encouraging the UGO (Independent Oppositionist Union) in the spring of 1948 to set itself up as a rival to the FDGB in Berlin.

The majority of labor leaders in the trade unions of the Western zones, including the Western sectors of Berlin, on the other hand, are now opposed to centralized trade unions and are unwilling to accept federation without safeguarding the autonomy of the member unions. In some regions, as for example Wuerttemberg, this position represents a departure from the form of organization initially established in the occupation. The unions affiliated with the Wuerttemberg federation now enjoy almost complete autonomy in financial matters and in-

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ternal affairs, including the establishment of policies and regulations affecting the terms of employment of their members.[15] In still other industrial centers of Western Germany, as for example Frankfurt, the leaders of the labor movement opposed centralization from the outset and preserved the principle of autonomy in federation. Thus, in all areas of Western Germany, the primary function of the labor federation, as in the AF of L, the CIO, and for that matter most trade union federations in the Western World, is to provide the affiliated trade unions with a means for pooling information, discussing common problems, agreeing on joint action, and otherwise promoting the collective interests of its member organizations.

The position of German labor on centralized organizations and trade union autonomy in federation is in large measure a product of the policy of the Allied Powers. The Western Allies, with the support of trade union leaders from their own countries, promoted autonomy in federation in the belief that democratic labor unions could not thrive in highly centralized organizations. The British Military Government, for example, flatly refused to approve the centralized federations of labor which were initially established in the cities of their zone and in the North Rhine Province; the local trade unionists were persuaded to abandon their existing organization and adopt the principle of autonomy in federation by visiting representatives of British labor unions.[16] Although the United States Military Government also encouraged autonomous federations, it was not until recently that it carried this policy to the point of forbidding centralized labor federations. In the restatement of United States policy, issued by the Joint Chiefs of Staff in July 1947, the Military Governor was instructed to make sure that federations of trade unions did not impair the financial and

[15] MG of Germany, *Manpower . . .*, *Cumulative Review*, Report of the Military Governor, No. 20, May 8, 1945-February 28, 1947, p. 4. See also *ibid.*, No. 32, March 1947-February 1948, p. 7.; MG of Germany, *Manpower . . .*, Monthly Report, No. 28, September-October 31, 1947, pp. 5 and 6; and the *Gewerkschaftszeitung*, the official journal of the Wuerttemberg-Baden federation of labor, Stuttgart, issues of January 1, 1947 and October 15, 1947.

[16] See "Trade Union Development in the British Zone", *British Zone Review*, September 9, 1947, and *Britain and European Reconstruction*, British Information Service, February 1947, p. 9.

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organizational autonomy of their affiliated unions.[17] This policy still remains in force.[18]

In contrast to the British and the Americans, the Soviets have approved of centralization in labor organizations. In fact the persistence of the conflict within the Allied Kommandatura over the status of the Berlin federation must be attributed in large part to the disagreement on this very point. While the Soviets have been unyielding in their support of the FDGB with its provision for a highly centralized structure of administration, the Western Allies have been equally insistent that the Berlin federation grant autonomy to the affiliated unions and allow them to maintain independent treasuries. The UGO, on the other hand, has gained the wholehearted support of the Western Allies largely because it guarantees autonomy to all affiliated Berlin unions.

Thus in the ranks of German labor a sharp split has developed on the issue of administrative structure, which threatens the very unity of the labor movement itself. In all areas in which the preference for a loose federation prevails, it has been encouraged by the Western Allies, supported by British and American trade unionists, and defended by German labor as essential to the preservation of democratic trade unionism.[19]

[17] U. S. Policy on the Military Government of Germany, Section 21 (e) entitled "Economic Institutions", July 15, 1947. This directive replaces JCS 1067, and its labor provisions are summarized in *Labor Abroad*, Department of Labor, Bureau of Labor Statistics, Washington, No. 3, August 1947, p. 14.

[18] Since the July directive, the U. S. Military Government has been firm in its insistence on decentralized federations of labor. See, for example, the remarks of Mr. Lee Wertz, Director of the Manpower Division, in OMGUS, Manpower Division, Reports and Statistics Branch, *Daily Excerpts from German Publications*, December 8, 1947, pp. 2 and 3. In commenting on the singleness of purpose of the Western Allies in this regard following the July directive, the Wuerttemberg-Baden trade union journal declared that the differences in the structure of organization of existing federations was a major deterrent to the erection of an interzonal federation of labor. These differences, it was added, are especially pronounced in Eastern and Western Germany inasmuch as the federations in the United States and the British zones were built on the principle of autonomous unions while the FDGB of Berlin and the Soviet zone adopted a highly centralized structure of organization from the outset. *Gewerkschaftszeitung*, Stuttgart, November 15, 1947.

[19] The American federations of trade unions are now united in their opposition to highly centralized labor organizations in Germany. While the AF of L had publicly opposed federations of non-autonomous unions from the beginning of the

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Centralized labor organizations, on the other hand, have thrived on the support of the Soviets and the belief that such organizations are best able to avoid the disunity which made it impossible for the pre-Hitler labor movement to exert its liberal influence to defeat National Socialism in its infancy.

Organizational Strength of the Labor Movement

German trade unions in the occupation claim 8.9 million members. Of these, there are approximately 1.7 million in the United States zone, 2.6 million in the British zone, 3.7 million in the Soviet zone, 0.4 million in the French zone, and 0.6 million in all sectors of Berlin.[20] In terms of the labor force (registrants at the public employment offices exclusive of unemployables), organized labor represents about 32 per cent of the workers in all Germany. By zones, this amounts to 24 per cent of the workers in the American area of occupation, 27 per cent in the British zone, 49 per cent in the Soviet zone, 16 per cent in the French zone, and 33 per cent in Berlin. (If employment in domestic service and for the occupation forces is excluded—areas notably difficult to organize and frequently

occupation, the CIO did not make its positon clear until the disagreement in the Kommandatura over the constitution of the Berlin federation and the method of electing that organization's executive committee for 1947. In disapproving federations which denied independence to affiliated unions, the CIO (and the British Trades Union Congress) did not follow the apparent sentiment of the World Federation of Trade Unions. According to press reports, this was a disappointment to many German trade unionists since they had counted on the support of the CIO in setting up highly centralized organizations and had stated that the attitude of the AF of L on autonomy in federation was not truly representative of the sentiment of organized labor in America.

[20] In compiling these and subsequent figures used in the discussion of trade union membership, the following government documents were especially useful: MG of Germany, *Manpower...*, *Cumulative Review*, No. 20, February 1947, pp. 4 and 5; *Labor Abroad*, No. 4, October 1947, pp. 25-28; OMGUS, Manpower Division "Registration, Employment, Unemployment, U. S. Zone, April-June 1948", *Statistical Report*, No. 17, September 1, 1948; OMGUS, *Statistical Annex*, Report of the Military Governor, No. 33, March 1948; OMGUS, *The Population of Germany*, Special Report of the Military Governor, March 15, 1947; *Monthly Report of the Control Commission for Germany (British Element)*, June 1948, especially Apendix 11; *Monthly Statistical Bulletin of the Control Commission for Germany (British Element)*, October 1948.

Although the trade union statistics do not differentiate members on the basis of paid-up membership, dues are generally required and among trade unions in the American zone the most commonly employed fee is one hour's wage per week.

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discounted in the trade union statistics released by Military Government—the percentage figures of membership are much higher. On this basis, for example, over one third of the wage and salary earners in the United States zone are trade union members.) The extent of trade union membership by area of occupation is shown in Table I.

TABLE I

TRADE UNION MEMBERSHIP BY ZONES AND THE CITY OF BERLIN (ALL SECTORS)

September 1948 *

(1) Zone of Occupation	(2) Trade Union Membership	(3) Estimated Total Population (in millions)	(4) Labor Force (Registrants at Employment Offices Exclusive of Unemployables—in millions)	(5) Trade Union Membership	
				per cent of (3)	per cent of (4)
American ...	1,730,197	17.2	7.2	10.1	24.0
British	2,547,243	22.3	9.4	11.4	27.1
Soviet	3,675,900	17.3	7.4	21.3	49.7
French	402,400	5.9	2.5	6.8	16.0
Berlin	602,300	3.2	1.8	18.8	33.3
All Zones .	8,958,040	65.9	28.3	13.6	31.7

* Date of the most current statistic employed. Because these figures are necessarily drawn from several sources (see note 20), they are not exactly comparable in time.

In the United States zone, and to an even greater extent in the French zone, trade union membership is kept low by the relatively large agricultural population. (In the Soviet zone, Military Government pressure and the " check off " have combined to make for large trade union membership even among agricultural labor.) Although agricultural workers are more highly organized in Germany than, for example, in this country, the bulk of the trade union membership is in the industrialized centers. This is especially evident in the trade union membership figures for the *Laender* of the United States zone. For example, while only about one third of the " organizable " wage and salary earners are unionized in Bavaria, organized workers outnumber the unorganized in the highly industrialized area of Bremen and represent almost forty per cent of all workers in Hesse and Wuerttemberg-Baden. Although the tardy intro-

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duction of the movement to reactivate free labor organizations in Bavaria has contributed to the comparatively low level of union membership in that area, the high percentage of employment in agriculture and forestry relative to industry in the *Land* is a more significant factor in accounting for this development.[21] The growth in unionization by *Laender* from December 1945 through June 1948, and the membership in terms of wage and salary earners for June 1948, are shown in Table II.

TABLE II

TRADE UNION MEMBERSHIP IN THE U. S. ZONE BY *Laender*

December 1945-September 1948

Month (end of)	Entire Zone [a]	*Laender*			
		Bavaria	Hesse	Wuerttemberg-Baden	Bremen
1945					
December	263,000	95,000	40,000	122,000	6,000
1946					
January	388,000	100,000	103,000	175,000	10,000
May	746,000	349,000	213,000	255,000	29,000
August	880,000	306,000	263,000	260,000	51,000
December	1,013,000	359,000	300,000	291,000	63,000
1947					
January	1,087,000	394,000	320,000	307,000	66,000
May	1,301,000	548,000	328,000	351,000	74,000
August	1,410,000	592,000	361,000	378,000	79,000
December	1,506,813	647,214	371,126	399,629	88,844
1948					
January	1,517,711	649,268	381,336	400,621	86,486
March	1,588,856	696,723	388,772	411,335	92,026
June	1,662,287	738,116	402,792	424,169	97,210
September	1,730,197	773,949	409,586	443,118	103,544
Membership [b] in per cent of estimated wage and salary earners June 1948	37.0	32.5	36.0	41.0	50.1

[a] Does not include the United States sector of Berlin.

[b] The percentage figure for the entire zone is reported by Military Government and is based on an adjusted statistic for wage and salary earners which excludes domestic servants and persons employed by the occupation forces. The figures for the *Laender* are determined from data provided in the OMGUS, Manpower Division, *Statistical Report*, No. 17.

[21] Of the total gainfully employed persons in Bavaria on June 30, 1948, 33 per cent were engaged in agriculture and forestry as compared with 22 per cent in Hesse and Wuerttemberg-Baden and 4 per cent in Bremen. While the number of persons in industry, the handicrafts, commerce and transportation approximated 60 per cent of the total gainfully employed in Hesse and Wuerttemberg-Baden and 75 per cent in Bremen, only 50 per cent of the total were engaged in these occupations in Bavaria. OMGUS, Manpower Division, *Statistical Report*, No. 17, p. 2c.

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Unionization has reached its highest levels in the metal and building trades, mining (in the British zone), the public service including railway and transportation, and the clothing, textile and leather industries. For example, of all union members in the United States zone approximately 24 per cent are in the metalworking industries, 16 per cent are in the public service, 12 per cent are railway workers, 10 per cent are building and construction workers, and 8 per cent are in the clothing, textile and leather industries. For the most part, the same concentration of trade union membership prevails in the other zones.[22]

Although women are playing a greater rôle than ever before in the economic and political affairs of the community, trade union membership is largely made up of male workers. In the United States zone, for example, 84 per cent of the trade union members are men. This represents about 42 per cent of the male wage and salary earners in the zone. Some 270,000 or 22 per cent of the female wage and salary earners are organized. In percentage of total membership, women trade unionists are most numerous in the clothing, textile and leather industries (48 per cent), the food, beverage and restaurant industries (33 per cent), the chemical, glass and ceramics industries (26 per cent), and the printing and paper industries (23 per cent).[23] The percentage of male membership is greatest in the building and construction industries (98 per cent), the railroads (97 per cent), mining (97 per cent), and woodworking (90 per cent). It is significant to note, however, that while but 10 per cent of the trade union members are under 21 years of age in the United States zone, 21 per cent of the women workers in this age bracket are organized. Only 8.3 per cent of the male workers, under 21, are trade union members.

[22] The percentage figures of trade union membership in the United States zone by leading industry groups are for June 1948. OMGUS, Manpower Division, *Statistical Report*, No. 17, p. 20. Trade union membership by industry for the United States zone, British zone and Berlin are compared in *Labor Abroad*, No. 4, October 1947, pp. 26-28.

[23] The industry groupings used here correspond with those employed by Military Government and, for the most part, are consistent with the jurisdiction of industrial unions in the United States zone.

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Restrictions on the Economic Function of Trade Unionism

The growth of German trade unions to almost nine million members is an especially noteworthy achievement in the light of the obstacles encountered in the occupation. These were, and still are, numerous. In the early occupation, for example, the countless tasks connected with the setting up of offices, securing adequate space and equipment, and arranging for needed transportation and communication were particularly formidable. But an even greater deterrent to the reconstitution of trade unionism than the physical problems of existence in the chaotic and devasted communities, which proved to be the heritage of war for most German industrial centers, has been labor's inability to engage in the economic activities generally recognized as the primary purpose of worker organization. While the Allied Powers encouraged labor organizations and refrained from imposing any restraints on collective bargaining as such, they felt obliged (chiefly in the interests of preventing inflation) to regulate rigidly the major terms of employment. This severely restricted labor's opportunity to improve the working conditions of its members and, as might be expected, lessened the appeal of organization to many workers.

The basic workday and work week, to illustrate the extent to which the regulations of the control Council had withdrawn wages and hours from the scope of collective negotiations prior to currency reform, had been set at eight hours per day and forty-eight hours per week. Although workers were free to bargain with employers over the scheduled hours of labor (hardly a major issue in most collective negotiations), they could not alter the prescribed standard, including the established rate of pay for work in excess of the basic hours.[24] In the highly controversial area of wages, rates had been frozen from the inception of the occupation (in effect this perpetuated a wage stop which had first been imposed on the German worker in 1938).[25] Although the Allied Control Council had authorized certain adjustments in wages, these provided but a limited area

[24] Allied Control Council, Directive No. 26, Berlin, Germany, January 26, 1946.

[25] Allied Control Council, Directive No. 14, Berlin, Germany, October 12, 1945.

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for collective bargaining.[26] The stipulations on wage increases permitted the elimination of substandard rates, that is, wages of less than 0.50 mark per hour, the raising of wages of women and minors to the level of rates paid men performing like work "with identical productivity", and the removal of inequities in "problem" industries.[27]

The recent currency reform in Germany gave rise to a host of problems in the wage field since, with savings reduced to a minimum and the monetary excesses inherited from the Nazi régime wiped out, wage-price relationships were now of vital concern to everyone. There was ample evidence that price rises had already wiped out the wage increases which had been authorized prior to monetary reform. Trade unions called for further adjustments in wages but preferred that their extent be worked out in negotiation with employers rather than by any agency of control. The Western Allies have found it expedient to turn this problem over to the Germans themselves. But the plea for free collective bargaining in these matters did not meet with immediate favor, even though it appeared that currency reform and competition for jobs were an adequate check against the possibility of collusive agreements, bilateral monopoly, and runaway inflation through the spiraling of wages. So long as price controls were maintained, the leaders of the Bizonal Economic Council hesitated to sanction the free determination of the major terms of employment for political if not for economic reasons. With the initiation of a general program of decontrol in the fall, however, the wage stop was

[26] For a more detailed discussion of wages in Germany see the author's article, "Allied Policy on Wages in Occupied Germany", *International Labour Review*, vol. LV, No. 5, May 1947, pp. 351-371; also *Labor Abroad*, No. 3, August 1947, p. 17, and MG of Germany, *Manpower . . .*, Monthly Report, No. 14, September 20, 1946, pp. 15 and 16, for a brief but more current summary and analysis of wage policy. The basis for and nature of the most recent wage increases authorized (a bizonal rather than a Control Council action which permitted increases in wage rates by collective bargaining in the United States and British zones up to 15 per cent above the May 1945 base, effective May 1 and subsequently initiated in the French and Soviet zones) are recorded in OMGUS, Manpower Division, *Daily Excerpts from German Publications*, April 29, 1948.

[27] For comment on wage policy in "problem" industries see the *Monthly Report of the Control Commission for Germany (British Element)*, January 1948, p. 25, and *Der Tagesspiegel*, Berlin, for November 26, 1947 and April 2 and 5, 1948.

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removed.[28] It is, of course, too early to determine what effect, if any, the restoration of free collective bargaining at this stage of the occupation will have on the growth of trade unionism. It should be noted, however, that, to date at any rate, trade unions have concentrated on securing price reductions rather than wage increases.

On the other hand, the Allies had not imposed restrictions of any consequence on the minor terms of employment and this was a partial offset to the long period of rigid controls on wages and hours. In the Western zones at least, this meant that, from the beginning, vacations, safety rules, apprenticeship regulations, and labor standards other than wages and hours were determined in collective negotiation between the employer and the trade union without limitation save for the prohibitions of German labor law.

The Trade Union in Politics

The ability of the German trade unions to gain the support of the workers at a time when they could contribute little to the economic betterment of their members has no doubt been enhanced by labor's participation, under the stimulus of the favorable attitude of the occupying Powers, in the political and social life of the community. In a sense this has been a resumption of interests, for free labor in Germany has a strong tradition of vigorous activity in the political arena and in large measure attributes its "black" years under the National Socialists to the failure to maintain a political vigilance in the Weimar Republic. Even in the early occupation when German trade unionists optimistically believed that they could avoid the political (and denominational) affiliations which split the pre-Hitler labor movement into rival factions, they were quick to point out that they had no intention of becoming "nonpolitical". As the occupation developed and labor found but limited opportunity for improving the economic status of its members, it was forced more and more into seeking these gains

[28] Economic Council Ordinance No. 58, "Ordinance Concerning the Abolition of the Wage Stop", approved by American and British Military Government October 29, 1948. Reported in *Monthly Report of the Control Commission for Germany (British Element)*, October 1948, pp. 57 and 89.

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indirectly through influencing control agencies and policy-making bodies of the government. Once the organizing phase of reconstructing the free labor movement had been completed and trade unions were free to expend their limited energies on political affairs, they tended to resume their past associations.[29]

While the limitation on the scope of collective bargaining resulting from the maintenance of economic controls in the occupation served to stimulate labor's activity in political affairs, the impasse reached by the Western Allies and the Soviets in the administration of the occupation has accentuated the political differences within the German labor movement. In general, German trade unions are aligning themselves into political camps depending on whether the ideology and policies of the Western Allies or the Soviets are followed. While the pro-Western and the pro-Soviet trade unions have disagreed on numerous political and economic questions, the necessity for taking a stand on the Marshall Plan has brought the divergence of interests out into the open and compelled alliance with one or the other of the factions into which the world Powers are fast falling. It would appear that all hope for the reconciliation of East-West differences in Germany ended with the failure of the Allies to agree on a peace treaty and a program for Germany's future at the meeting of the Council of Foreign Ministers in London early in 1948. The cleavage was evidenced by such subsequent developments as the extension of the Bizonal Economic Administration into a neo-government for the United States and British zones, France's acceptance of the plan for a German government of the Western zones, and Russia's persistent efforts at integrating Berlin into the economy of the

[29] Unlike the labor federations in America, the split in German labor prior to 1933 was more representative of a divergence in social, political and confessional beliefs than any disagreement over questions of trade union policy in economic and organizational matters. Of the four major federations of trade unions existing at that time, three—namely, the Free Trade Unions, the Christian National Union, and the Democratic Union—were competing organizations. The fourth labor federation was composed of unions of public employees exclusively. Of the competing organizations, the Federation of Free Trade Unions was the strongest both in membership and political influence. It had about four million of the seven million organized workers and was affiliated with the Social Democratic party, the controlling political group in the Weimar Republic.

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Soviet zone (and the Eastern "satellites") and forcing the Western Allies out of the city.[30]

The trade unions of Western Germany, unlike those of the Soviet zone which are united politically by the necessity for close association with the Socialist Unity party if not by their faith in Communist doctrine, are torn by the heterogeneity of the ideology and the political and (to a lesser extent) the religious affiliations of their members. While there are not yet any Communist, Socialist, and Christian trade unions federations, as such, there are trade unions which are acquiring this reputation because of the character of their leadership, the predominant views of the membership, and the *sub rosa* associations with outside groups.

The most accurate reports on the political character of labor organization in the occupation are the elections of works councillors and these show communism to be on the wane among workers in the Western zones. For example, in the Ruhr area, a traditional stronghold of communism and, as would be expected because of its importance to the industrial recovery of Germany (and Europe), the scene of embittered conflict between proponents of rival ideologies and politics, the works councillors affiliated with the Communist party in the mines dropped from 38 per cent of the total in 1946 to 31.2 per cent in 1947. (Preliminary reports show Communist losses to be even greater in 1948.)[31] In the labor movement as a whole, Communist strength in Western Germany is far less than in

[30] To date the Soviet actions in Germany have served only to fan the determination of the Western Allies to resist intimidation and reconcile their own differences (largely petty but by no means negligible) over the methods for promoting the reconstruction of a democratic Germany. Four-Power rule is now virtually ended and the Americans, British and French have felt compelled to lodge with the United Nations a formal protest against the activities of the Soviets. Among the Germans, too, the Soviets have met with little success save in their own zone where their control is absolute. In fact the activities of the Russians have unwittingly served to unify the non-Communist groups of Germans and to enhance the prestige of the Western Allies and gain for them a support not customarily rendered an occupying force.

[31] For the most recent developments in works council elections see the OMGUS, Manpower Division, *Daily Excerpts from German Publications*, November 10, 1947; *Der Sozialdemokrat*, Berlin, January 26, 1948; the *Telegraf*, Berlin, November 2, 1947 and February 10, 1948; and *Der Tagesspiegel*, Berlin, February 20, 1948.

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the Ruhr mines, as its affiliates approximate but 10 per cent to 12 per cent of the total membership. Though German labor in the main has been successful in its resistance to communism, and, as in the Ruhr, its successes in this regard are greater today than in the early occupation, it is significant to note by way of comparison that the Syndicalist and Communist trade unions of the pre-Hitler labor movement represented barely 1 per cent of the total organized workers.[32] The Social Democrats and the Christian Democrats claim the affiliations of the majority of the German trade unionists in the Western zones, with the Social Democrats having the edge in the British zone and the Christian Democrats being supreme in southern Germany.

It is not possible to record the numerical strength of communism in the Soviet zone with any accuracy. No doubt there are some dissenters among the claimed membership of 3.5 million, but so long as the Soviets control Eastern Germany the leadership and the policies of German labor in that area will be inseparable from those of the Socialist Unity party—and the Kremlin. The organization is too tightly controlled to expect a ground swell of opposition among the German workers, although there is no doubt that such a movement could be fanned by the physical presence of the Western Allies if their conflict with the Soviets were to reach such proportions. In Berlin, this development did take place. The refusal of the Western Powers to be driven out of the city gave strength to the oppositionist group within the FDGB. It was this support, more even than the fearless leadership of German Social Democrats, which has made possible the success of the UGO as a rival labor organization to the FDGB in Berlin.

At the moment the non-Communist forces in the labor movement are united in the common fight against this new threat of totalitarianism. But the alliance is one of convenience, an outgrowth of the emergency rather than the conviction that unity is essential to the welfare of trade unionism at all times. It should be noted, however, with respect to the growing tension between the Christian and Socialist trade unionists in the

[32] Umbach, *loc. cit.*, p. 17.

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occupation, that this development is taking place in spite of the Christian Democratic party's reaffirmation of its pledge not to divide the German trade union movement.[33]

Conclusion

It would appear that the forces for disunity in the German labor movement are beginning to prevail. Undeniably the necessity for coping with the problems of the occupation and holding on to the one means for treating Germany as an economic and political entity is an uncommonly strong inducement for trade union solidarity. But the will to avoid rivalry in labor organization is fast being offset by the resumption of affiliations with political and religious groups along the lines of the competing federations in the Weimar Republic, by the disagreement over centralized labor organizations, and by the reliance upon occupying Powers whose policies for the control of Germany are conflicting if not irreconcilable. The development of rival unionism more often than not proves a disadvantage to labor and management alike; to the former it tends to lessen the likelihood of securing gains through worker solidarity, while to the latter it usually widens the area of conflict through labor's emphasis on the provision of union security. In Germany, however, the split—especially the major conflict between the Communist and anti-Communist forces—carries with it the overriding advantage of assuring the survival of a free trade union movement.

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[33] See the statement of the support of the Catholics in Bavaria and the Catholic Workers Association of southern Germany for trade union unity (*Neue Zeit*, official CDU paper, Berlin, August 22, 1947 and *Gewerkschaftszeitung*, Munich, journal of the Bavarian trade union federation, No. 20, October 25, 1947); also the rejection of a proposal for the establishment of an Evangelical church trade union at the conference of Lutheran Churches at Gelsenkirchen (British zone) in October 1947 (*Der Sozialdemokrat*, Berlin, October 29, 1947) and the reiteration of trade union unity at the meeting of the representatives of the Social Committee of the Christian political parties at Herne (British zone) late in 1947 (*Gewerkschaftszeitung*, Stuttgart—a report of an article in the CDU paper of Wuerttemberg-Baden of January 11, 1948—February 1, 1948).

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SAAR COAL AFTER TWO WORLD WARS

VOTERS in the Saar Valley went to the polls in early October 1947 to ratify the new constitution which had been drawn up for them by the French government.[1] The question of annexation of the Saar by France did not appear on the ballot, but 48 of the 50 newly elected members of the legislature belonged to the three parties favoring such a move.

Four months later, on February 20, 1948, the three Western Powers, occupying Germany, signed an agreement at Berlin which formally granted France the right to economic attachment of the Saar. It was stated at the time that France in return had waived reparation claims on Germany in amount of 70 million marks (1938 value).[2]

In both World Wars France's principal coal fields suffered through demolition and bombardment; coal deposits were flooded and mining equipment pillaged.[3] In World War II, production fell from 47 million tons (1935-38 average) to 35 million tons in 1945, creating a serious problem for the French economy.[4] A similar problem had arisen after the First World War, when coal production dropped from 40 million tons (1911-13) to 31.5 million in 1919.[5] Then, as now, the Saar was made part of the reparation settlement:

> As compensation for the destruction of the coal mines in the north of France and as part payment toward the total reparation due from Germany for damage resulting from the war, Germany

[1] *New York Times,* October 7, 1947.

[2] *Ibid.,* February 21, 1948.

[3] Committee of European Economic Cooperation, *Technical Reports* (Washington, 1947), vol. II, p. 136; Versailles Treaty, Part III, Annex V.

[4] C.E.E.C., *op. cit.,* p. 196.

[5] W. F. Ogburn and William Jaffé, *Economic Development of Post-war France* (New York, 1929), p. 220.

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> cedes to France in full and absolute possession, with exclusive rights of exploitation. . .the coal mines situated in the Saar Basin.[6]

The Saar Basin itself was administered by a Governing Commission under auspices of the League of Nations; after the plebiscite of 1935 both territory and coal mines reverted to Germany, with Germany paying 900 million francs for the mines.

It is not widely known that in consequence of the repurchase of the mines by Germany coal deliveries to France were the only type of German reparation payments *not* discontinued after 1931. They were maintained for a total of twenty years until September 1939. What follows is an attempt to depict the rôle played by the Saar mines in the inter-war years and to evaluate the economic significance of their contribution to French reconstruction and recovery after two World Wars.

1. "*Mines Domaniales Françaises de la Sarre*"

When the Treaty of Versailles went into effect on January 10, 1920, France for the second time gained control over the Saar coal mines. During the Napoleonic era the mines had been in French hands between 1792 and 1815.[7]

The French government was aware that satisfactory operation of the mines, on which one fifth of the population of 650,000 depended for their livelihood, would have influence upon the results of the plebiscite fifteen years later. One of the first actions of the new owners therefore was to establish the Mining Domain (*Mines Domaniales*) which was to supervise production of Saar coal. Appropriate legislation was introduced in the Chamber of Deputies on December 27, 1919, but because of political dissensions the law was not enacted until five years later. In the meantime a provisional administration had to be put in charge of operations.[8]

In the early days of French ownership the basic difficulty facing the Saar mines was a shortage of capital. The Mining Domain, as well as the provisional administration, lacked the right to authorize the issue of securities for the purpose of ex-

[6] Versailles Treaty, Part III, Art. 45.

[7] Robert Capot-Rey, *La région industrielle Sarroise* (Paris, 1934), p. 273.

[8] Marcel Malzac, "Les Mines Domaniales de la Sarre", *Revue Politique et Parlementaire*, vol. 106 (1921), p. 27.

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pansion and modernization of existing plant. It had instead to rely on grants from the French budget. As a result of political tangles the management remained powerless for many years, often lacking funds for improvements which would have increased productive efficiency.[9] When French engineers took over direction of the mines, they drew up a program with a view to doubling the amount of coal mined within ten years, at an estimated cost of 204 million francs. Parliament forced a reduction in that sum to less than 150 million francs, and the program of new installations had to be curtailed accordingly. After operations became more profitable, the mines for a time ceased to be dependent on government appropriations.

French reluctance to engage in heavy capital expenditures for the Saar mines was due to the fact that possession of the mines was considered temporary; investments which were likely to yield no immediate financial benefit were therefore thought unnecessary. In the light of the later reversion of the mines to Germany, holders of the foregoing view can hardly be blamed for adopting so conservative an attitude toward betterments. Yet a more optimistic approach might have been urged for two reasons: first, a more efficient utilization of resources could have been achieved; and, second, it seems quite likely that in view of additions to plant a higher repurchase price could have been exacted from Germany. The exemplary manner in which Germany carried out the repurchase provisions after regaining the Saar in the 1935 plebiscite would seem to corroborate this point.

It has been maintained that the disadvantage of state-directed mining lies in the tendency on the part of management to proceed more timidly than a private concern. Restriction in the use of credit is said to have retarded the rate of modernization of equipment, and led to hesitation in opening up new pits.[10] The results of the privately operated coal mines in Lorraine were quite superior to those of the Mining Domain mines: the former were able to pay dividends, whereas the latter incurred losses; furthermore, the privately owned and operated mine,

[9] *Ibid.*, p. 40.

[10] Capot-Rey, *op. cit.*, p. 274.

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Frankenholz, was able by 1929 to increase its output to more than its pre-war average, while the Saar mines barely were able to maintain production at the 1913 level.[11]

The difficulties in improving the Saar mines faced by the Mining Domain have already been mentioned and would appear to justify the preceding criticism. The Mining Domain, however, was also pursuing an employment policy in harmony with long-run social and political ends in order to retain the good will of the population and thereby indirectly exert influence toward a verdict in the plebiscite favorable to France. Despite increasing mechanization more workers than necessary were therefore kept on the job, at least in the years prior to the depression of 1931-33; and in contrast to the Ruhr mines, no attempt was made to achieve higher production per man-hour through concentrating on the more efficient mines and closing down all others.[12]

As to the privately operated Lorraine mines, the following details deserve mention. Coal deposits in that region are concentrated on the Franco-Saar boundary. Geological conditions confine effective mining operations within a comparatively narrow strip along that boundary. Concessions in the Warndt district, the westernmost section of the Saar Basin, were granted by the French government to two concerns, de Wendel et Cie and Sarre-Moselle, in 1925 and 1928 respectively.[13] These firms worked their leased deposits located in the Saar through pits sunk in Lorraine. They did not have to pay taxes in the Saar, because their mining establishments were on French soil with shafts extending into the Warndt deposits underground. Lorraine mines, moreover, had already been fully amortized, since prior to 1919 Saar coal was of course not accessible to French companies, and their own mines had been considered practically exhausted.[14] These concerns then were in a position to benefit

[11] *Ibid.*, p. 278.

[12] Henri Chiny, *Le retour éventuel de la Sarre à l'Allemagne, vu par les Allemands* (Paris, 1932), p. 9.

[13] Françoise Touchot, *L'économie régionale, lorraine dans l'économie nationale française* (Nancy, 1937), p. 153; and Saar-Forschungsgemeinschaft, *Saar Atlas* (Gotha, 1934), pp. 81-82.

[14] Friedrich Pack, *Franzoesische Wirtschaftspolitik im Saargebiet* (Postberg, 1934), pp. 56-58.

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from both lower taxes and lower overhead costs, with the obvious result that their operations turned out to be far more profitable than those of the Mining Domain. The fact that production since 1929 did surpass the pre-war average can be explained by the more favorable location of coal deposits in the Warndt district relative to those in the other parts of the Saar.[15]

2. *Valuation of the Saar Mines*

The valuation of the Saar mines proved to be another of the many thorny problems arising in the wake of the Versailles Peace Conference. Coal reserves in the territory, according to estimates compiled in 1911, consisted of 5,576 million tons to a depth of 1,000 meters, or 9,358 million tons at the 1,500 meter level.[16] These estimates are in accord with data presented at the Geological Congress at Toronto in 1913.[17] More recently the deposits have been estimated at 6.2 billion tons to a depth of 1,200 meters. Agreement on what the coal resources of the territory might be worth cannot be established with equal ease. Estimates seem to have varied between 290 million and 1 billion Reichsmark.[18]

On the whole there are sufficient deposits available near the surface, the average depth of the Saar mines being from 300 to 600 meters. But the thinness of the coal veins, except in the Warndt district, constitutes a serious handicap to successful exploitation. It varies from 2 meters down to 80 centimeters, and in part accounts for the comparatively low output per man-hour, which has been characteristic of these mines in recent years.

The question of obtaining suitable metallurgical coke from Saar coal has had considerable influence on the valuation of the reserves. Saar coke in general is too brittle and porous to resist mechanical influences successfully. A measure of the solid-

[15] Touchot, *op. cit.*, p. 161.

[16] Erich Haarmann, "Die wirtschaftsgeologische Lage des Saargebiets", *Zeitschrift der deutchen geologischen Gesellschaft*, vol. 85 (1933), p. 391.

[17] Gaston Cadoux, "Le problème de la Sarre", *Revue Politique et Parlementaire*, vol. 137 (1928), p. 229.

[18] Haarmann, *loc. cit.*, p. 386.

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ity of coke can be obtained by dropping a specified quantity of coke from a given height, and then counting the percentage retained by a sieve with perforations of a certain diameter. It has been found that the percentage of retention for Ruhr coke subjected to that test is between 75 and 80, whereas for Saar coke the coefficient was not higher than 25-30.[19] Since feeding of coke into the blast furnace does not proceed at an even rate, resulting friction between brittle coke and the ore leads to an excessive development of coal dust which creates disturbance in furnace operation as well as need for a quantity of coke greater than where a better grade of fuel is used.[20] In the early 1930's, technological improvements made it possible to produce a type of coke sufficiently strong and economical in use as to compare not unfavorably to Ruhr coke.[21] But since coking in the Saar was still an " infant industry " at the time of reversion to Germany (already in possession of an ample supply of coke in the Ruhr) the possibility of autarchic operation of the Lorraine iron and steel industry based on Saar coke could not be fully explored.

The final valuation of the Saar coal deposits was held in abeyance after the peace settlement of 1919 until the meeting at Paris of the Allied Finance Ministers in March 1922.[22] France then was debited on reparation account with the Saar mines valued at 300 million goldmark, just as if the transfer had constituted a delivery in kind received in that year.

3. *French Operations of the Saar Mines*

The following table summarizes production and profit and loss for the Saar mines under the direction of the French Mining Domain.[23] Average annual coal production for the period

[19] Albert Constantin, *L'économie sarroise entre la France et l'Allemagne* (Nancy, 1934), p. 134.

[20] Pack, *op. cit.*, p. 41.

[21] Haarmann, *loc. cit.*, p. 387.

[22] Commission des Réparations, *Etat des obligations de l'Allemagne au titre des réparations, 30 avril 1922* (Paris, 1922), p. 51.

[23] Administration des Mines Domaniales Françaises de la Sarre, *Rapport sur l'exploitation des mines de la Sarre par l'état français, 10 janvier 1920—28 février 1935* (Paris, 1936), Annex II.

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TABLE I

FRENCH ADMINISTRATION OF THE SAAR MINING DOMAIN, 1920-1935

	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	Total
									(*In millions of francs*)								
Financial results .	72.0	70.8	99.9	35.1	122.0	96.1	176.7	27.0	—12.7	59.1	59.6	—115.9	—132.6	—79.5	—18.1	—17.9	441.7
									(*In millions of tons*)								
Production	9.2	9.3	10.9	8.9	13.6	12.6	13.3	13.2	12.7	13.1	12.8	10.9	10.0	10.2	10.9	1.6	
Sales	7.8	7.7	10.2	7.8	12.4	11.2	11.9	11.2	11.6	11.7	11.0	9.1	8.9	8.9	9.8	1.6	

Source: Administration des Mines Domaniales Françaises de la Sarre, *Rapport sur l'exploitation des mines de la Sarre par l'état français* (Paris, 1936), Annex I and Annex II.

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up to 1926 was only 11 million tons, while in each of the three years before 1914 more than 13 million tons had been produced. The year 1924 was better than average; and in 1926, increased demand, owing to the British coal strike, and devaluation of the franc combined to bring forth favorable results. From then on output was maintained at a relatively high level until 1930.

The Mining Domain at times found it difficult to dispose of output in excess of consumption within the Basin.[24] In 1913, with an annual production of 13 million tons, Saar industry consumed 5.5 million tons of local coal, leaving a surplus of almost 8 million tons to be exported. Nearly 80 per cent or close to 6 million tons went to Germany and Alsace-Lorraine, only 8 per cent to France, and the rest to Switzerland, Italy and Belgium.[25] According to the Peace Treaty, Saar industries were to have priority on Saar coal for the quantities they had used in 1913.

In 1920 France was able to take 60 per cent of a 9-million-ton production, but a year later sales to France dropped to 40 per cent. Even so the period between 1922 and 1930 was on the whole not unsatisfactory. In 1923 and early 1924 the Ruhr occupation provided increased outlets for Saar coal. The favorable effect of the British coal strike in 1926 has already been mentioned. Yet as early as 1928, although only forebodings of hard times had appeared in the form of a rather slight and passing deficit, the Director of the Mining Domain declared that, regardless of future economic conditions, stagnation in sales of Saar coal was to be expected particularly in France, where the development of the Port of Strasbourg as main receiving point for German coal shipped up the Rhine was gradually lessening interest in Saar coal; and also in Switzerland where construction of hydroelectric power stations was in progress.[26]

During the great depression the situation of the Mining Domain became quite scabrous. Between 1930 and 1932 sales

[24] Ernest Lemonon, "La Sarre et la Rhénanie", *Journal des Economistes*, vol. 83 (1926), p. 181.

[25] Mines Domaniales Françaises de la Sarre, *op. cit.*, p. 16.

[26] *Ibid.*, p. 22.

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dropped by more than 20 per cent. The next two years saw a slight upturn, although it was insufficient to put operations back on a profitable basis.

High freight rates on the Saar and Alsace-Lorraine railroads, notably in the early period of French operation of the mines, had prevented a satisfactory volume of sales of Saar coal in western France, where it was found more economical to buy imported coal, primarily from the United Kingdom. Complaints about high prices quoted by the Mining Domain led in 1931 to the establishment of a zoning system in which prices varied inversely with distance from the mines.[27] This system produced curious and unexpected results: eventually Saar coal was sold in Belgium at a 40 per cent discount from prices charged for equal grades of coal within the Territory, because the Mining Domain assumed the cost of transport. Expedients of that sort could not help but give rise to deficits.

Throughout the fifteen years, attempts were made to find economical methods of producing metallurgical coke. These efforts, as has already been suggested, did not have a large measure of success. The emphasis which the final report of the Mining Domain puts on an aspect of French administration of Saar mines only remotely connected with coal production may be indicative of the climate of opinion prevailing during the years just before the plebiscite: "*Les Mines Domaniales ont été ... la pierre angulaire d'un régime qui a permis à l'industrie et au commerce français d'envoyer en Sarre pour 1500 millions francs des marchandises par an; elles ont été le centre d'appel des produits français.*[28]

4. *Saar Coal and Reparations*

The provisions adopted by the peace settlement of 1919 in regard to coal reparations distinguished two categories of deliveries: one set of deliveries of seven million tons per annum during ten years, and another set for a period not exceeding ten years, quantitatively dependent upon the annual deficit in the production of the destroyed mines of Nord and Pas de Calais.[29]

[27] Capot-Rey, *op. cit.*, p. 60.

[28] Mines Domaniales Françaises de la Sarre, *op. cit.*, p. 66.

[29] Versailles Treaty, Part VIII, Annex V, sec. 1, par. 2.

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From a legal point of view, coal reparations and the grant of the Saar mines to France were two independent and distinct acts, included in separate parts of the Versailles Treaty. Economically speaking the two awards are intimately connected and have always been so considered, especially by German writers. Between 1919 and 1925 France received 66.5 million tons of Saar coal, while the output of French mines lagged behind pre-war production by an estimated 68.6 million tons. It can be seen that by 1926 French coal requirements which were to be covered by compensatory deliveries (the second of the afore-mentioned categories) had been almost satisfied; that is, deliveries were only two million tons short of the total deficit in production of the destroyed mines of northern France.[30] It has been argued that the estimates of the French coal deficit were exaggerated.[31] In using 1931 production as the basis for computing post-war deficiencies, the general decline in productivity of about 20 per cent that had occurred in all European coal regions as an aftermath of four years of warfare had been overlooked. France's total loss of coal production, therefore, should not have been put higher than 54 million tons. From this adjustment it would follow that Germany, by furnishing France 280 million tons of coal (with 174 million tons from the Saar) between 1919 and 1934, had delivered more than five times the amount of French coal output lost through wartime destruction. While reparations have hardly ever been treated as a matter of arithmetic (except in cases of non-fulfillment) the foregoing interpretation may not be without some foundation when one recalls the excess supplies of French coal in the years just preceding the plebiscite.

By 1930 Saar coal had ceased to be necessary to France since reconstruction and modernization of her mines had enabled her to make more than good the loss of output resulting from war damage;[32] nor could suitable coke be manufactured in a volume adequate to diminish dependence of French iron and steel industry on imported fuel. As early as 1929 negotiations had

[30] Pack, *op. cit.*, p. 35.

[31] Ferdinand Friedensburg, *Kohle und Eisen im Weltkriege und in den Friedensschluessen* (Berlin, 1934), p. 222.

[32] *The Economist* (London), July, 1930, p. 4.

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been entered into with a view to returning the mines in the Saar Basin to Germany. They had come to nought because the French seem to have tried to drive a bargain harder than the Germans would accept.[33]

5. *Plebiscite and Repurchase by Germany*

The average French coal mine during 1934 had not provided more than 43 days of work. Discontinuance of the Mining Domain was expected to yield 12 more days of work per year for French miners.[34] The Saar mines at this juncture were indeed considered a liability because of excess production: between 1928 and 1930 the Mining Domain had been delivering to France about twice the average amount of coal of the best prewar years, whereas French coal output had risen only 20 per cent, and the increase in imports from other sources had not risen more than 10 per cent.

In order to facilitate a speedy settlement of the repurchase of the Saar mines in the event Germany should regain the Saar in the plebiscite, an agreement was signed at Rome on December 3, 1934, in which the French government consented to cede to Germany its rights of ownership over mines, railways and other immovable property in the Saar Territory against payment of a lump sum of 900 million francs (or 150 million Reichsmark before the 1936 devaluation).[35] Germany was to pay that amount by handing over 95 per cent of the total quantity of Bank of France notes and other foreign means of payments circulating in the Saar which were to be exchanged for newly issued Reichsmark. The balance was to be covered by free deliveries of coal, to be spread so as to insure payment of a lump sum within five years after the plebiscite. France had been receiving about 4 million tons of Saar coal per year,

[33] Pack, *op. cit.*, p. 43. The *Rapport* . . . of the Mining Domain (p. 54) gives total improvements during the 15 years at 720 million francs, with most of the new installations made before 1926. Later, and specifically after 1932, "il n'a été fait que la renovation du matériel à bout de service ou des perfectionnements de détail rapidement payants."

[34] E.P., "L'industrie houillère en 1934", *Journal des Economists*, vol. 105 (1935), p. 142.

[35] League of Nations, *Official Journal*, vol. XV, pp. 1703-1704. Albert Zimmermann, *La réadaptation économique de la Sarre* (Paris, 1937), p. 17.

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but in view of the prevailing unemployment in her mining industry she decided to take only half that amount, or 2.2 million tons per year, in the form of free coal deliveries.[36] The contemplated five-year total of 11 million tons did not include deliveries of metallurgical coke.

In the plebiscite of January 10, 1935 the Saar overwhelmingly voted to return to Germany.

The two governments signed a supplementary agreement at Naples on February 19, 1935.[37] Half-yearly schedules for free deliveries of coal were drawn up, showing the amount to be collected in each such period. The deliveries were to be effected under contracts concluded in the ordinary way of business. Coal received was to be utilized by public utilities (railroads and gasworks) and by heavy industry. The first schedule, drawn up for the period of March 1 to June 30, 1935, provided for deliveries valued at 40 million francs.

Leases of the Warndt mines to de Wendel and Sarre-Moselle were renewed for five years. Since Germany had no shafts in the Saar to work these deposits it seemed reasonable to continue existing arrangements. Funds derived from these leases were to be paid to the French Treasury for an average production of 2.2 million tons per annum over five years. This quantitative limitation also satisfied Germany in that it was felt to safeguard the new owner against excessive depletion of the coal reserves by French lessees.[38]

The total sum turned over to the French Treasury from the exchange of currencies amounted to 275 million francs, leaving a balance of 625 million francs to be settled by means of coal deliveries.[39] Payment to the French Treasury for coal contracts was handled by the Bank for International Settlements acting as trustee in coöperation with the Bank of France; the latter collected sums owed by French importers of Saar coal and credited them to the account of the French government.

[36] Mines Domaniales Françaises de la Sarre, *op. cit.*, p. 10.

[37] League of Nations, *Official Journal*, vol. XVI, pp. 470-476.

[38] Walter Schuecking, "Das voelkerrechtliche Problem der Warndtgruben", *Mélanges offerts à Ernest Mahaim* (Paris, 1935), vol. 2., p. 311.

[39] Bank for International Settlements, *Fifth Annual Report* (Basle, 1935), p. 62.

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The *Annual Reports* of the Bank for International Settlements for the year 1936 to 1940 show that the cumulated value of Saar coal deliveries during that period was 581 million francs. Thus at the outbreak of the Second World War total repurchase payments amounted to 856 million francs, or only 44 million francs less than the lump sum stipulated by the Rome Agreement.

6. *The Saar Mines after World War II*

When Allied troops occupied the Saar in March 1945, the coal mines were found to be almost intact. The miners were still there and fair quantities of coal lay at the pitheads. The French government suggested that the quickest way of reviving production would be to turn over control of the mines to members of the administrative and engineering staff of the old Mining Domain.[40] Since the Saar lay within the French Zone of Occupation that proposal was adopted without delay.

By May 1947, output of the Saar coal had risen to within 20 per cent of the 1935-38 level; that is, the mines of the 17 coalfields were producing at a rate of well over 10 million tons per year.[41]

Targets of production which are to be reached under the European Recovery Program are set out in Table II. For the year 1951, coal production is contemplated at a rate of 17 per cent higher than in 1938, or more than double the amount produced (213 per cent) in the first post-war year. By 1948 the 1935-38 level of 12.5 million tons was to be expanded by 1 million tons, and it is hoped that at the end of the period covered by E.R.P. the goal of 16.8 million tons per year will not have proved excessively high.

Foremost among the difficulties of achieving this projected production ranks the necessity of obtaining from Germany, and primarily from the Ruhr, the larger part of mining machinery required by the Saar mines.[42] The Saar mines have always used German-type machinery and equipment which are chiefly manufactured in the Ruhr. A secure supply of replace-

[40] *The Times* (London), April 10, 1945.

[41] C.E.E.C., *op. cit.*, vol. II, p. 137. *The Times* (London), December 28, 1947.

[42] C.E.E.C., *op. cit.*, vol. II, p. 150.

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TABLE II

COAL AND COKE PRODUCTION OF SAAR UNDER E.R.P.

(*Millions of tons*)

	1929	1935–1938 (mean)	1938	1945	1946	1947 *	1948 * †	1949 *	1959 *	1951 *
Coal										
Net production	13.6	12.5	14.4	3.5	7.9	10.4	13.6	15.0	15.6	16.8
Consumption	6.9	6.3	7.1	1.7	3.3	5.0	6.4	7.1	...	...
Exports	...	...	...	..	1.2	1.2	2.8	3.6	...	...
Imports	.2	...	...	..	..	...	...	...	...	...
Coke										
Total production	2.6	...	3.2	..	..	1.9	3.0	...	...	3.6
Consumption										
Iron and Steel ...	2.4	...	2.7	..	..	.8	1.5	...	...	...
Other Industries ..	.2	...	.2	..	..	.2	.2	...	...	...
Exports	...	...	.3	..	..	.9	1.3	...	...	...
Coking required	...	...	...	..	..	...	4.2	...	...	...

Source: Committee of European Economic Cooperation, *Technical Reports,* Vol. II (Washington, 1947), Sections C and E, Appendices B (i-iv), pp. 196 *et seq.*, and Appendices B and E, pp. 312 *et seq.* (figures are rounded).

* Estimates.

† The selected monthly figures, furnished by the Coal Committee of the Economic Commission for Europe (as quoted in *The Colliery Guardian,* London) would indicate that production for the past year has been running at an annual rate of nearly 13.2 million tons, or slightly below the C.E.E.C. estimate.

ments and spare parts is of particular importance. Recent developments in Western Germany would lead to the expectation that this problem will be met although there may be a time lag longer than envisaged in hitherto published schedules.

Conclusion

France, now for the third time in 150 years, is in possession of the Saar mines. What benefit is she likely to derive from them? The preceding analysis has shown that France needed Saar coal only during the years of reconstruction immediately after the war, while French mines were put back into operating condition, and in periods such as the occupation of the Ruhr of 1923-24 and the British coal strike of 1926, when coal supplies from other sources were unavailable. In other words, Saar coal reserves are literally *reserves,* useful to the French economy only in times of emergency. The picture might be altered were it possible to find ways and means of producing from Saar coal usable metallurgical coke in sufficient quantities that would make the French iron and steel industry less dependent on imported coke and coking coal. There is no indication that any great strides have recently been made in that direction.

Consequently one is left to conclude that while the 10-15 million tons of Saar coal production will be a boon to France, and to adjoining countries for that matter, during the next few years, there will come a time in the not too distant future when the Saar mines will slip back into their inter-war position of unwelcome appendix to the French economy. Construction of power stations using local coal as fuel and further development of existing "Ferngas" facilities, on the other hand, may be the factors which will in the long run spare the Saar mining population the need of changing over to other types of employment.

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MILITARY DIPLOMATS IN THE PRUSSIAN AND GERMAN SERVICE: THE ATTACHÉS, 1816-1914

IN a dictum apparently designed to resolve the long vexed question of the constitutional position of the army in the Second German Empire, Carl Schmitt has written: "The army was not a state within the State; it was *the* State within the State." [1] This judgment would have been accepted as completely valid by Germany's military chiefs in the period before 1914. As leaders of an army which had made Prussia a great Power, they quite clearly regarded the military establishment as the embodiment of the national interest; and they were apt, moreover, to assume that the military representatives were best qualified to determine the policies which would protect that interest. This assumption became the excuse for the absorption by the army of state functions which, in Western societies, are normally reserved for civilian control; and a kind of military aggrandizement resulted which proved to be one of the most tragic features of the Empire's history.

The extension of military influence within the state was especially marked in the field of foreign policy, and one of the forms it took was an attempt to usurp the functions and authority of the diplomatic corps. Throughout the history of the Empire, persistent efforts were made to enhance the position of military attachés at the expense of the professional diplomats. The bitter rivalry which ensued between the attachés and their professional colleagues was not resolved before the outbreak of war in 1914, but it had disastrous effects on Germany's foreign policy. The conflict and its results may be of interest today when, even in Western society, the military is not without influence in diplomacy.

I

The practice of attaching military representatives to the staffs of Prussian legations had its origins in the Napoleonic

[1] Carl Schmitt, *Staatsgefüge und Zusammenbruch des zweiten Reiches: Der Sieg des Bürgers über den Soldaten* (Hamburg, 1934), p. 11.

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period. In 1800, Massenbach suggested that officers destined for high command in the Prussian army should be sent to the legations at St. Petersburg, Vienna, London and Paris, to "study the character of those who might be put in the future at the head of hostile or allied armies."[2] This plan was not accepted at the time, but it was not forgotten. After the victory over Napoleon had been won, Grolman, Prussia's first post-war Chief of Staff, urged again that officers be sent to the chief diplomatic posts. In a memorandum of 12 February 1816 to War Minister von Boyen, he pointed out that other Powers had assigned officers to their legations, and he argued that it was high time Prussia followed suit.[3] Boyen took up the suggestion, and the first appointments were made in the same year.[4]

The motive for this innovation was originally technical rather than political. The military attachés were not meant to compete with the accredited diplomatic representatives in the collection of political information. Grolman made this clear in an instruction of 14 April 1816 which was approved by Hardenberg, the King's chief minister. "The purpose for the assignment of these officers", wrote the Chief of Staff, "is accurate knowledge of states from the purely military point of view. Their purpose is absolutely unpolitical, and they must avoid any meddling in politics and must, above all, observe the utmost caution and circumspection in their behavior."[5] They were specialists whose duty it was to keep their own government informed of the military strength of the country in which they served; and they were at the same time supposed, as Albrecht

[2] Christian von Massenbach, *Memoiren zur Geschichte des preussischen Staates*, III, 393. Quoted in A. Vagts, *The History of Militarism* (New York, 1937), p. 189.

[3] E. von Conrady, *Leben und Wirken des Generals C. von Grolman* (Berlin, 1894-96), III, 29.

[4] Three majors and three captains were appointed to the most important legations. Considerations of economy, however, soon discouraged systematic appointments and it was not regular practice to have attachés at all posts until after the revolution of 1848. See Günther Wohlers, *Die staatsrechtliche Stellung des Generalstabes in Preussen und dem deutschen Reich* (Bonn und Leipzig, 1921), pp. 46-47.

[5] Conrady, *op. cit.*, III, 30.

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von Roon once said, to serve the chief of mission " in the capacity of military *souffleur* and dictionary." [6]

There can be little doubt that the technical services of the attachés were of a high order and that they adequately justified their creation in the period in which Prussia moved toward mastery in Germany. During the Crimean War, for instance, Prince Hohenlohe, the Prussian military attaché in Vienna, gave a convincing demonstration of the way in which technical military skill could supplement the legation's political reports. Since Prussia had concluded a defensive alliance with Austria at the outbreak of the war, it was important for the government to receive reliable information about the state of the Austrian army.[7] When Austrian military authorities evaded all of his requests for such information, Hohenlohe resorted to the standard processes of military intelligence. Thus, he worked out an accurate picture of the Austrian order of battle from study of the daily press, supplemented by salon gossip and the reports of professional agents. With these aids also, he developed a remarkable skill in discovering and evaluating troop transfers within the Empire, so that he was able to warn Berlin of Austrian moves which threatened to impair the treaty of neutrality.[8] As the first real staff officer to be assigned to the Vienna post,[9] Hohenlohe developed methods of analysis and appraisal which served as models for his successors; and, when the two German Powers fought their long duel for supremacy, the Berlin government benefited from the reliable intelligence estimates of the Vienna attachés.

[6] *Denkwürdigkeiten aus dem Leben des Generalfeldmarschalls Kriegsministers Grafen von Roon* (5th ed., Berlin, 1905), II, 248.

[7] Prinz Kraft zu Hohenlohe-Ingelfingen, *Aus meinem Leben* (Berlin, 1879), I, 248.

[8] Thus, Hohenlohe reported, on 1 August 1854, that troop displacements indicated an imminent Austrian advance across the eastern frontier. The report was discounted in Berlin but was borne out by the Austrian alliance of 10 August with the Western Powers and the subsequent Austrian occupation of the Danubian Principalities. See Hohenlohe, *op. cit.*, I, 250-251.

[9] His predecessors had not been drawn from the roster of the General Staff and, according to General Gerwien, had done little except go to dances. *Ibid.*, p. 233.

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The attachés in Paris also proved their worth in the period of the *Reichsgründung*. Throughout the 1860's, they sent detailed and accurate reports on the French order of battle, the changes in recruiting policy, the deficiencies of military rail communication, and changes and experiments in ordnance. Two of the attachés participated actively in French campaigns —Stein von Kaminski in Mexico in 1863, and Walter von Loë in the Algerian rising of 1864—and these tours of duty supplied material for appraisals of French artillery effectiveness, fire discipline and cavalry tactics.[10] The value of these reports was demonstrated in 1866. In the critical point of the campaign of that year, when Bismarck and Moltke feared a sudden French attack, Loë was able to state categorically that France would not dare risk war until she had recovered from the disruption in her forces caused by the Mexican adventure.[11] This assurance had a direct influence not only on Moltke's troop dispositions but also upon Bismarck's attitude toward the French demand for territorial compensation.[12]

As the final struggle with France approached, the attachés in Paris maintained their reputation for accuracy and thoroughness. The frenzied attempts to reform the French army were calmly appraised; changes in army strength or mobilization schedules were noted and reported to Berlin.[13] Eessentially, the reports of the Prussian attachés in Paris were in no way superior to those of their French counterpart in Berlin, Baron Stoffel. But while their dispatches were weighed carefully by the Prussian General Staff, Stoffel's description of the strength of Prussian arms merely aroused irritation in Paris and his warnings of Prussian superiority were disregarded.[14] In this

[10] Freiherr von Loë, *Erinnerungen aus meinem Berufsleben* (2nd ed., Stuttgart, 1906), pp. 59, 61 *et seq.*

[11] *Ibid.*, p. 112.

[12] L. v. Schlözer, *Generalfeldmarschall Frhr. v. Loë* (Stuttgart, 1914), pp. 62-63.

[13] J. M. v. Radowitz, *Aufzeichnungen und Erinnerungen*, ed. by H. Holborn (Stuttgart, 1925), I, 140; E. Bircher and A. W. Bode, *Schlieffen: Mann und Idee* (Zurich, 1937), p. 47.

[14] Emile Ollivier, *L'Empire libéral* (Paris, 1895-1916), XI, 342.

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difference in the uses to which military reports were put lies part of the explanation for Prussia's victory in 1870-1871.

In view of their services, no one in public life in Prussia could question the advantage of having military reporters attached to the legations abroad. Even Bismarck, who was on occasion contemptuous of the work of the attachés,[15] never attempted to abolish the institution. Nevertheless, as the attachés secured their position as an auxiliary arm of the diplomatic service, one difficulty arose which caused increasing concern. This was the problem of preventing the attachés from extending their sphere of activity beyond the limits laid down by Grolman in 1816 and duplicating, or even absorbing, the reportorial functions of the professional diplomatists.

This question arose because of the difficulty of drawing a sharp distinction between the work of the attaché and that of the regular diplomatic representative. Attempts to delineate their functions were, of course, made. At the beginning of the 1850's, for instance, an agreement between the Foreign Office and the Ministry of War specified that attachés, in their reports, would "restrict themselves to military-technical subjects" and "avoid whatever reached over into the political sphere." Even at the time of this agreement, however, War Minister von Bonin insisted that military-technical subjects often involved political considerations and he stipulated that, in such event, the attaché should not be prevented from making his report.[16] Bonin's provision merely emphasized the impossibility of laying down hard and fast rules concerning the contents of dispatches. To overcome this difficulty, therefore, and to safeguard the diplomatic corps from the possibility that the attachés would establish themselves as independent political

[15] In 1879 Bismarck told Schweinitz that he knew the exact disposition of all Russian naval squadrons. Schweinitz murmured something about the services performed by military attachés, only to have Bismarck say bluntly: "Ach was, Attaché! Wir bekommen dies ganz genau durch die Juden!" *Denkwürdigkeiten des Botschafters General von Schweinitz* (Berlin, 1927), II, 80-81.

[16] H. O. Meisner, ed., "Aus Berichten des Pariser Militärattachés Freiherr von Hoiningen gt. Huene an den Grafen Waldersee (1888-91)", *Berliner Monatshefte*, 15 Jg. (1937), p. 959.

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reporters, it was decided that all official correspondence between the attaché and his military superiors in Berlin must be conducted through the chief of mission, who would read his reports and transmit them to the Foreign Office.[17] Even this rule, however, was relaxed after 1869, and the attaché, in so far as he was dealing with "purely military-technical questions", was allowed to correspond directly with the War Ministry and the General Staff.[18] On the whole, it is clear that the regulations were so indefinite as to be susceptible of abuse.

Moreover, one diplomatic post was completely excluded from the operation of all existing regulations: namely, St. Petersburg, where the attaché, under the imposing title of "military plenipotentiary", had special privileges. During the war of liberation against Napoleon, the close relationship between the Tsar and the Prussian King had been given formal expression in the exchange of personal adjutants (*Flügeladjutanten*) between the sovereigns; and this custom was perpetuated in the ensuing period. The *Pruski Fligeladjutant* in St. Petersburg was far more than a technical observer and he was in no sense subordinate to the Prussian minister, as were attachés at other capitals. His mission—as William I told Schweinitz in 1865—was to win the confidence of the Tsar and to serve as a means of direct communication between him and the Prussian King.[19] He was a member of the Tsar's personal suite and saw him daily, while his contact with the Prussian legation was apt to be infrequent and incidental. Schweinitz gives a clear picture of the unique position of the "military plenipotentiary" in St. Petersburg. He wrote:

> My official position had the great advantage that I had nothing to do with any office or any superior but only with the two sov-

[17] When Hohenlohe was appointed military attaché in Vienna in 1854, General Reyher told him that the General Staff had strict orders to demand no direct reports from him; and the War Minister made it clear that his reports would have to be read and transmitted by the Prussian minister. Hohenlohe customarily addressed his reports "An die Königlichen Ministerien der Auswärtigen Angelegenheiten und des Krieges". Hohenlohe, *op. cit.*, I, 242 *et seq.*, 254.

[18] Meisner, *loc. cit.*, p. 959.

[19] Schweinitz, *op. cit.*, I, 174.

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> ereigns; I wrote to no one except the King and was not obliged to accept, from either the War Ministry or the Foreign Office, commissions which I considered incompatible with the discretion imposed upon me by my wholly exceptional position.[20]

This military nexus between the Russian and Prussian courts had, as Alfred Vagts has pointed out, an essentially ideological significance, and the exchange of military plenipotentiaries symbolized the union of conservative principles against the tide of revolution in Europe.[21] At the same time, however, since it constituted an independent channel of communication between Berlin and St. Petersburg, it gave rise to difficulties affecting the efficiency, the prestige and the morale of the legation staff in the Russian capital. It is significant that Bismarck, who tolerated the existence of attachés at other capitals, was, from the beginning of his ministerial career, highly critical of the military plenipotentiary in St. Petersburg.[22]

Bismarck's attitude toward the St. Petersburg *Flügeladjutant* was partly the product of his general suspicion of military men in politics and his experience with a long series of special diplomatic missions carried out by political generals like Gustav von Alvensleben and Edwin von Manteuffel.[23] He was always irritated by the soldier's penchant for giving weight in negotiations to such irrelevant factors as honor, loyalty and tradition; and he was aware that military bluntness and contempt for diplomatic niceties were apt to lead to a dangerous disregard of political realities.[24] But, quite apart from this general prejudice

[20] Schweinitz, *op. cit.*, I, 181.

[21] Vagts, *op. cit.*, p. 190.

[22] See his own criticism of the office in *Erinnerungen und Gedanke* (Bismarck, *Die gesammelten Werke* [Berlin, 1932], XV, 389) and Lucius von Ballhausen, *Bismarck-Erinnerungen* (4-6 ed., Stuttgart, 1921), p. 381.

[23] On Manteuffel, see, *inter alia*, L. Dehio, "Edwin von Manteuffel und der Kaiser", *Deutsche Rundschau*, CCVI (1926), 156-157; Radowitz, *op. cit.*, II, 90; H. Goldschmidt, "Mitarbeiter Bismarcks in aussenpolitischen Kämpfe", *Preussische Jahrbücher*, CCXXXV (1934), 130-131.

[24] See, for instance, Egmont Zechlin's account of the negotiations leading toward the so-called Alvensleben Convention of 1863, in which Alvensleben, in order to secure quick agreement, dangerously exceeded his instructions. *Bismarck und die Grundlegung der deutschen Grossmacht* (Stuttgart, 1930), pp. 436 *et seq.*

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against the military, Bismarck had special reasons for disliking the military-diplomatic tie between St. Petersburg and Berlin.

In the first place, since the Prussian military plenipotentiary lived on terms of friendship with the Tsar, he received political information of the highest importance, information which was quite inaccessible to the legation staff. Aside from the deleterious effects of this arrangement upon the prestige of the professional diplomats, it was also inherently dangerous. The military plenipotentiary was obliged to inform neither the legation nor the Foreign Office of his findings. During the Crimean War, for instance, Lieutenant Colonel Count Münster had transmitted vital information to the King and to members of the reactionary camarilla in Berlin; but the Minister President, Otto von Manteuffel, had remained ignorant of the content of the reports until he had employed a spy to steal them.[25] Under William I, this situation was corrected, and his cabinet always forwarded the reports of the military plenipotentiary to Bismarck. Nevertheless, they came secondhand and were often delayed, and this irritated the Minister President.

In the second place, since the military plenipotentiary was not bound by instructions from the Foreign Office, there was always a possibility that he would contradict or undermine official representations made by the legation. In the Crimean War, Münster had promoted a policy which was at such variance with that of the Foreign Office that his confidant, Leopold von Gerlach, wrote to him, "*Vous voulez être plus russe que les Russes eux-mêmes*".[26] Lack of coördination between the military and professional diplomats in St. Petersburg was a constant source of confusion. Schweinitz in the 1860's actually made a virtue out of wilful ignorance of the policy of the For-

[25] On this famous scandal, see H. von Poschinger, ed., *Unter Friedrich Wilhelm IV: Denkwürdigkeiten des Ministerpräsidenten Otto von Manteuffel* (Berlin, 1901), III, 49 *et seq.*, 83 *et seq.* On the confusion which characterized Prussian policy in this period, see Fritz Hartung, "Verantwortliche Regierung, Kabinette and Nebenregierungen in konstitutionellen Preussen, 1848-1918", *Forschungen z. brandenburgischen und preussischen Geschichte*, XLIV, 2-17.

[26] Kurt Borries, *Preussen im Krimkrieg* (Stuttgart, 1930), pp. 45-46. On Münster's policy in St. Petersburg, see "Politische Briefe des Grafen Hugo zu Münster an Edwin von Manteuffel", *Deutsche Revue*, 38 Jg., especially pp. 183-197, 326-337.

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eign Office. In a passage in his memoirs he says that ignorance of the shifts and subterfuges of Prussian policy on the eve of the Austrian war was an advantage to him "since, as an officer and a cavalier, I could not have defended them .... The military confidant of the two sovereigns had the task of representing the immutable laws of honor and almost sacred friendship even when *raison d'état* was in conflict with them."[27] That there is some justice in Schweinitz' remarks as applied to the situation in 1866 cannot be denied, and his services in persuading the Tsar to maintain an attitude of neutrality during the war were important. Nevertheless, Bismarck could not be expected to approve this interjection of feudal standards into the realm of *Realpolitik*. Later, when he was Chancellor of the Reich and Schweinitz ambassador to Russia, Bismarck was reduced to fury by the General's refusal to make communications to the Tsar which he did not consider strictly truthful.[28]

Bismarck's dissatisfaction with the St. Petersburg arrangement came to a head in 1876, when the conduct of General von Werder, the Prussian military plenipotentiary, placed him in a decidedly awkward position.[29] Since the outbreak of the Bosnian revolt in the previous year, the Chancellor had striven to detach himself as much as possible from the ominous Austro-Russian rivalry which was developing in the Balkan area, and to pursue a policy of strict neutrality. His attempt to avoid any German commitment was, however, rudely challenged on 1 October 1876, when General von Werder informed him that the Tsar desired urgently to know what Germany's position would be if the present difficulties in the Near East should lead to a war between Russia and Austria.[30]

In any circumstances, this question would have been embarrassing to a man who was still attempting to preserve the fiction

[27] Schweinitz, *op. cit.*, I, 200-201.

[28] *Ibid.*, p. ix.

[29] Bismarck, *Die gesammelten Werke*, XV, 388 *et seq.*

[30] *Die Grosse Politik der Europäischen Kabinette, 1871-1914: Sammlung der diplomatischen Akten des Auswärtigen Amtes* (hereafter cited as G.P.), II, 53. See also Erich Eyck, *Bismarck* (Zurich, 1944), III, 246-247; Schweinitz, *op. cit.*, I, 348 *et seq.*

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of the solidarity of the three Eastern courts. Bismarck knew that an unsatisfactory answer would give aid and comfort to that party in Russia which favored rapprochement with France rather than Germany; he was equally certain that an answer which suggested German support of Russia would be used in Vienna by the Russians, with unfortunate results for Austro-German friendship.[31]

Bismarck's difficulties were increased, however, by the way in which the question had been presented. If it had been posed in accordance with accepted diplomatic procedure—in the form of a communication presented at the Foreign Office by the Russian ambassador—it could have been studied at some length and made the basis of negotiations which were recorded for future reference. The Russian use of Werder to address a question to the Foreign Office was unprecedented and hence, in Bismarck's eyes, suspicious. It was, he felt, a maneuver of the Russian minister Gorchakov, designed to force a German commitment at no risk to the Russian government. "We can never", the Chancellor wrote bitterly, "hold the Russians to their word or make them responsible for what they say to us through Werder, because the commissions which Prince Gorchakov gives General von Werder for us reach the latter solely through the medium of verbal confidential conversation between a monarch and his 'adjutant'." [32] Foreign Office replies to such questions, however, would be accepted by all Powers as formal expressions of German intentions.

The Chancellor, therefore, was infuriated with Werder's action and his instructions to the Foreign Office bristle with reprobation of the military plenipotentiary. "It is really almost worse than *gauche* of Werder to offer himself as a Russian tool to help blackmail us for an embarrassing and untimely declaration." [33] Werder's action was more than a *lapsus calami;* [34] it was a deplorable indication of political naïveté.

[31] *G.P.*, II, 56.

[32] *G.P.*, II, 59.

[33] *G.P.*, II, 54.

[34] *G.P.*, II, 55.

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> "When an officer completely unversed in politics, who has gradually become more intimately involved in Russian affairs than in our own, becomes . . . the sole representative and channel of German policy vis-à-vis Russian policy, then that is a diplomatic calamity; and it would be better for us not to be represented [in St. Petersburg] at all.[35]

Despite his attempts to delay the issue by forcing it back into regular diplomatic channels, Bismarck in the end had to answer the Tsar's question. He did so by expressing the hope that an Austro-Russian war would not take place, but he intimated clearly that, if such conflict should arise, Germany could not be expected to permit Austria's independence to be weakened or her position as a factor in the European balance to be jeopardized.[36] This rejoinder produced a perceptible coolness in St. Petersburg, an item which Bismarck undoubtedly added to the account of the unfortunate Werder. Certainly he did not forgive the military plenipotentiary. At the height of the incident, he had sought to have Werder recalled from the Tsar's entourage, and he had hoped that the attaché would at least be forbidden to send Russian communications to the Foreign Office in the future.[37] When William I refused to take any action against his personal representative in St. Petersburg, Bismarck retreated; but he marked Werder for future punishment and, although it took him ten years, finally succeeded in depriving him of his post.[38]

In all likelihood, the Chancellor would have liked to do away with the post of military plenipotentiary as such and to supplant the *Flügeladjutant* with a simple attaché like those at other missions. But, quite apart from the resistance which William I would have offered to any such suggestion, Bismarck had to reckon with the temperament of the Russian ruler as well. The fact was that Alexander II preferred diplomacy on horseback to the traditional methods of foreign offices. Indeed,

[35] *G.P.*, II, 59.

[36] *G.P.*, II, 72 *et seq.*; Schweinitz, *op. cit.*, I, 355 *et seq.*

[37] Bismarck, *Die gesammelten Werke*, XV, 390; *G.P.*, II, 54.

[38] Alfred Graf von Waldersee, *Denkwürdigkeiten*, ed. by H. O. Meisner (Stuttgart, 1922-23), I, 296, 298; Schweinitz, *op. cit.*, II, 82, 136-137.

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in 1863 he had expressed his firm belief that, "when soldiers deal with one another, all goes well; but, as soon as the diplomats step in, the result is unadulterated stupidity."[39] Given this atmosphere at the Russian court, it was obviously inexpedient to restrict the privileges or abolish the position of the German military plenipotentiary.

Nevertheless, had Bismarck been able to foresee the future, he would have perhaps fought harder in 1876 to end the dual system of reporting at St. Petersburg or to impose more control over the military plenipotentiary; for the incident of 1876 was the first in a long series of difficulties which he and his successors had with the military diplomats. Nor were these restricted to the Russian post. Within the next decade, the military attachés at all capitals began to encroach upon the field of policy, and this process continued, with deplorable results, until the outbreak of war in 1914.

II

Open and sustained conflict between the military and the professional diplomats was prefaced by two closely related events: the General Staff's success in winning both a position of complete administrative independence and the privilege of direct access to the Emperor; and the simultaneous emergence within the General Staff of a new political spirit, embodied in the activities of General von Waldersee.

Throughout the early part of the century, the General Staff had occupied a place in the military organization that was definitely subordinate to that of the War Ministry. Originally part of that Ministry, the General Staff had been reorganized and given a chief of its own in the 1820's; but its freedom was more apparent than real. It remained a kind of *Hilfsorgan* of the War Ministry; its plans and orders had to be submitted to that Ministry before execution; and until 1866 its chief was a relatively minor figure in the military hierarchy. Moltke's service as Chief of the General Staff during the wars of unification heightened the prestige of the office; but, while the scope of the General Staff's functions increased steadily, its admin-

[39] Zechlin, *op. cit.*, p. 494.

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istrative freedom remained subject to definite restrictions. In peacetime its chief had no regular access to the sovereign, as had the War Minister; and he could deal with other government agencies only through War Ministry channels.[40]

In 1883, however, a shift in the general political situation brought a sudden access of power to the General Staff. In the Reichstag debate on the army budget, a storm of criticism was directed against the army; and the War Minister, General von Kameke, proved powerless to control it. In consequence, he was attacked by the Emperor's most intimate military advisors for having permitted criticism of matters which lay solely within the Emperor's jurisdiction and which were, according to army theory, unsuitable for parliamentary discussion. Fearing that the debate presaged a parliamentary offensive against the army like that of the 1860's, these advisors urged that Kameke be replaced by a War Minister less susceptible to Reichstag pressure. As an additional precaution, they urged an administrative reorganization which would remove all matters of command from the jurisdiction of the War Minister, so that he could not be held responsible in the Reichstag for anything but administrative and financial matters. Bismarck, also apprehensive of the parliamentary situation, strongly supported these views, and the changes were made. One of the beneficiaries was the Chief of the General Staff who was now freed completely from War Ministry control,[41] and authorized, by royal

[40] On the development of the General Staff, see F. von Cochenhausen, ed., *Von Scharnhorst zu Schlieffen* (Berlin, 1933); Bronsart von Schellendorff, *The Duties of the General Staff* (3rd English ed., London, 1908); Max Jähns, *Feldmarschall Moltke* (Berlin, 1900); W. Bigge, *Feldmarschall Graf Moltke* (Munich, 1901). Constitutional aspects are treated in Wohlers, *op. cit.*; R. Schmidt-Bückeburg, *Das Militärkabinett der preussischen Könige und deutschen Kaiser* (Berlin, 1933); and E. R. Huber, *Heer und Staat in der deutschen Geschichte* (Hamburg, 1938).

[41] The story of the reorganization of 1883 is complicated and controversial. Bismarck's motives, for instance, are by no means clear. See the contrary views of Schmidt-Bückeburg, *op. cit.*, pp. 129-130, 139 *et seq.*, and H. O. Meisner, "Militärkabinett, Kriegsminister und Reichskanzler zur Zeit Wilhelms I", *Forschungen z. brandenburgischen und preussischen Geschichte*, L [1938], 88-89 and esp. 94-95. See also Meisner, *Der Kriegsminister* (Berlin, 1940), pp. 30-37, 64 *et seq.*, 93-104; Huber *op. cit.*, p. 329; Lucius von Ballhausen, *op. cit.*, pp. 45-46, 252-259; and Waldersee, *op. cit.*, I, 220-221.

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order of 24 May 1883, to discuss staff matters henceforth directly with the Emperor.[42]

To the aging Chief of Staff, Helmuth von Moltke, this change made little difference. His energies were devoted to the perfection of Germany's mobilization plans and he had no political ambitions. In 1882, however, General Alfred von Waldersee had been appointed Quartermaster General and, from this date until his elevation to the position of Chief of the General Staff in 1888, he served as Moltke's deputy and absorbed his functions. Waldersee was the political general *par excellence*. Bismarck, who grew to detest him, said that his chief failing was that he never learned "how to restrict himself to his military calling."[43] Certainly Waldersee was not content with military honors. He aspired to the Chancellorship at least and, throughout the 1880's, worked feverishly to ingratiate himself with both the Crown Prince and young Prince William so that his career would not be interrupted by the imminent change of reign.[44] Against the time of such elevation, he sought to make his position in the General Staff one of far-reaching influence. He had been one of the prime movers of the reorganization of 1883, and that change enabled him, as Moltke's deputy, not only to present his views at court but to deal independently with, and meddle in the affairs of, other government departments. Under his leadership, the General Staff new entered the sphere of politics.

Waldersee had long considered himself to have a flair for foreign affairs. As chargé d'affaires in Paris in 1871, he had breathed the atmosphere of high policy and found it congenial. Now, as Quartermaster General, he felt that he could safely indulge the tastes developed ten years before. One of his first actions was to cultivate Holstein and Hatzfeldt in the Foreign Office, on the principle that it is well to have friends in the center of power.[45] Before another year was out, he had man-

[42] The order is printed in full in Wohlers, *op. cit.*, p. 32.

[43] H. Hofmann, *Fürst Bismarck, 1890-98* (Berlin, 1913), I, 196. See also Maximilian Harden, *Köpfe* (33 ed., Berlin, 1910), pp. 197-210.

[44] Waldersee, *op. cit.*, I, 222-223, 236 *et seq.*, 243, 249-250.

[45] *Ibid.*, p. 223.

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aged to embarrass the German ambassador at Constantinople by advising the Sultan, through the agency of a German traveler, that it might be well for him to make plans for an eventual assault on French holdings in North Africa.[46] By the end of the 1880's, he was frankly asserting the right of the General Staff to formulate Germany's foreign policy.

In Waldersee's schemes, the military attachés were to play an important part. As soon as he had become Quartermaster General, he had begun an active correspondence with them; and it became customary for them to send him not only copies of their official reports to the Foreign Office, but private letters containing information which they did not see fit to submit to the scrutiny of their chiefs of mission. A study of this private correspondence, which has been edited by H. O. Meisner,[47] makes it clear that the Quartermaster General encouraged the attachés to indulge in political reporting to an unprecedented degree; that he collaborated with them in devising means of escaping embassy control;[48] and that he considered it proper for them to represent the views of the General Staff in their dealings abroad, even when such views were at variance with those of the Foreign Office. The conclusion is also inescapable that Waldersee sought to transform the military attachés into a private diplomatic corps, at the service of the General Staff.

The first indication of the dangers involved in Waldersee's policy came during the Bulgarian crisis of 1887-1888. The progressive worsening of Russo-German relations and the

[46] Hajo Holborn, "Deutschland und die Turkei", *Archiv für Politik und Geschichte*, V (1925), 140-141.

[47] See especially *Aus dem Briefwechsel des General-Feldmarschalls Alfred Grafen von Waldersee 1886-1891* (Berlin, 1928). This is supplemented by selections from Waldersee's correspondence with Yorck von Wartenburg in St. Petersburg, in *Historisch-Politisches Archiv*, I (1930), 133-192; and from his correspondence with Huene in Paris, in *Preussische Jahrbücher*, CCXXIV (1931), 125-148, and *Berliner Monatshefte*, XV (1937), 958-1000.

[48] Engelbrecht, the attaché in Rome, used to send Waldersee long private reports and consult him as to which portions of these he should communicate to his chief. Schmettau in Brussels sent reports to Waldersee, on at least one occasion, by officer messenger rather than by diplomatic pouch. Deines in Vienna suggested the possibility of using a private code in letters to Waldersee which traveled by pouch, and Engelbrecht used one in 1891. See Waldersee, *Briefwechsel*, pp. 19-20, 22, 100-101, 132, 147-148, 159; *Denkwürdigkeiten*, II, 217 n.

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knowledge that diplomatic feelers were being put out between Paris and St. Petersburg had, by the end of 1887, produced the blackest pessimism in German military circles. With an alarming unanimity, army leaders believed in the inevitability of war. Having reached that conclusion, however, they adopted the further view that Germany and her Austrian ally must anticipate the action of their potential antagonists by launching a preventive war against Russia at a time of their own choosing. This was Waldersee's own conviction, and he was capable of expressing it with a *sangfroid* which, even today, is disconcerting. "A good many men will be killed", he wrote in November 1887. "However, as long as no one can prove to me that a man can die more than once, I am not inclined to regard death for the individual as a misfortune." [49]

In Bismarck's opinion, the military theory of prophylactic war bordered on the frivolous. It was, he said on one occasion, like committing suicide out of fear of death.[50] His own policy was guided by the desire to avoid war, or, if that was impossible, to delay its coming as long as possible.[51] In that spirit, in the last months of 1887, the Chancellor not only refrained from any threatening gestures against Russia but took measures to prevent foolhardy action on the part of Austria. Through the ambassador in Vienna, he made it clear that the treaty concluded with Austria in 1879 was a purely defensive instrument and that Germany would not be obliged to support the Austrian Empire if it precipitated a war with Russia.[52]

It was precisely here, however, that Bismarck found his policy crossed by the military. While Waldersee in Berlin sought to use Moltke's influence to convince the Emperor of the necessity of immediate war against Russia [53] and irritated the Chancellor by some highly indiscreet remarks to the Austrian

[49] Waldersee, *Briefwechsel*, p. 113.

[50] *The Memoirs of Prince Bülow* (Boston, 1931), IV, 609.

[51] *G.P.*, VI, 59.

[52] See the report of the ambassador in Vienna, December 1887, in *G.P.*, VI, 13. See also Wertheimer in *Preussische Jahrbücher*, CCI (1925), 267-268.

[53] Cochenhausen (ed.), *op. cit.*, pp. 218-219.

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ambassador and the military attaché in Berlin,[54] the German attaché in Vienna, Major von Deines, had a series of confidential conversations with the Austrian Chief of Staff and with Emperor Francis Joseph. In these talks—as Moltke admitted later—Deines "definitely allowed himself to be carried away by military passion."[55] He made suggestions concerning advisable Austrian troop movements on the eastern frontiers; he discussed the possibility of removing the restrictions on the *casus foederis* in the treaty of 1879; and, in general, he gave the impression that an Austro-German assault on Russia was desired in Berlin.[56]

Confronted with an apparent attempt on the part of the General Staff to take over the direction of foreign policy, Bismarck reacted firmly and decisively. In a masterly instruction to Vienna at the end of December, he disabused the Austrians of false hope. He wrote:

> I cannot avoid the impression that it is the aim of certain military circles in Vienna to distort our *defensive* alliance....We must both take care that the privilege of giving political advice to our monarchs does not in fact slip out of our hands and pass over to the General Staff's.

Germany had no intention of committing herself to support an Austrian attack on Russia.[57] At the same time, the Chancellor spoke some plain truths to the military chiefs in Berlin, pointing out that war would be foolhardy in view of the parliamentary situation and the impending change of ruler, and threatening to wash his hands of responsibility for policy if there was further interference. By the end of December, both

[54] As a result of these conversations, Bismarck wrote a sharp letter to Waldersee on 7 December 1887 in which he said that he could not continue to take responsibility for German policy if he were "exposed to interference of this kind from the military side and if, outside the official channels, contradictory influences of an authoritative nature are exerted on foreign representatives and their cabinets." Waldersee, *Denkwürdigkeiten*, I, 341.

[55] So Moltke to Herbert von Bismarck, *G.P.*, VI, 61.

[56] Waldersee, *Briefwechsel*, pp. 127 *et seq.*, 131 *et seq.*, 137; *G.P.*, VI, 61; Schweinitz, *op. cit.*, II, 350-351. H. von Trützschler, "Bismarcks Stellung zum Präventivkrieg", *Europäische Gespräche*, I (1923), 191.

[57] *G.P.*, VI, 67, 69.

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Moltke and Albedyll, the Chief of the Military Cabinet and one of Waldersee's close associates, were assuring Bismarck that they had no intention of meddling in his sphere of activity;[58] and the military campaign to take over the direction of policy was in complete disarray.

While Bismarck was able now to solve the crisis short of war, he did not forget that his difficulties had been increased by the activities of the military attaché in Vienna. Aside from informing Deines that he had "overstepped the boundary between political and military considerations",[59] he refrained from punitive action. But the incident increased his distrust of the attachés as such and made him more vigilant concerning the abuse of the institution.

There was good reason for vigilance. Despite the setback to his plans in 1887, Waldersee did not modify his ambitions. He was shrewd enough to bide his time until the domestic situation was clarified; but, as soon as William II was on the throne, he resumed the offensive. Not only did he continue to encourage the military attachés to circumvent the controls imposed upon them,[60] but he sought now to persuade the young Emperor to free the attachés from subordination to their diplomatic chiefs. There was, he argued, no justification for the existing relationship. From the standpoint of ability, the attachés were superior to the diplomats with whom they served. As military technicians, they were better able to judge realities than their civilian colleagues; and, in reporting to Berlin, they had the courage of their convictions, whereas Bismarck's diplomats reported only what the Chancellor wanted to hear.[61]

[58] See Herbert von Bismarck's account of his talks with Albedyll and Moltke. *G.P.*, VI, 59-62. Bismarck may also have shown Moltke the text of the secret Reinsurance Treaty with Russia. See *G.P.*, VI, 63, and W. Kloster, *Der deutsche Generalstab und der Präventivkriegsgedanke* (Stuttgart, 1932), p. 24.

[59] He also advised the Ambassador to request Deines' recall in the event of future misconduct. *G.P.*, VI, 28-29, 57; Waldersee, *Briefwechsel*, pp. 137-138; Bülow, *Memoirs*, II, 196-197.

[60] Thus, in a letter of 13 February 1889, he advised Engelbrecht, the attaché in Rome, to send political reports directly to him, since "I am able at any time to bring them to His Majesty's attention." Waldersee, *Briefwechsel*, pp. 217-218.

[61] Waldersee, *Briefwechsel*, pp. 262; *Denkwürdigkeiten*, II, 31, 42.

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Waldersee's argument was plausible, if not entirely honest. It was true that Bismarck was regarded in the diplomatic corps with a respect which bordered on awe—Eulenburg speaks of the "terrified fluttering at the thought of Jupiter's approach"[62]—and this probably made at least the junior members of the service overly cautious in their reporting. Even senior diplomats had felt on occasion that too much control was exercised by Berlin over the embassies abroad.[63] But no one could honestly accuse the "great ambassadors" of Bismarck's last period of truckling to the Chancellor. Reuss, Schweinitz, Hohenlohe, Münster, Hatzfeldt and Radowitz were able diplomatists and men of independent judgment;[64] and nothing in their conduct supported the charges made by the Chief of the General Staff.

Waldersee's arguments, however, were not without effect upon William II, who shared the General's belief in the superiority of military to civilian intelligence. In a conversation with Waldersee in January 1889, the Emperor agreed that something should be done for the attachés but said that he preferred to avoid a conflict with Bismarck at this time. As a temporary expedient, he suggested that the practice which had long applied to St. Petersburg could now be extended to other posts. Since certain attachés currently serving abroad were personal adjutants of the Emperor, they could be privileged to send reports directly to him, without submitting them to the Foreign Office.[65] Waldersee accepted the suggestion eagerly; and subsequently the adjutants Engelbrecht in Rome and Deines in

[62] J. Haller, *Philip Eulenburg, the Kaiser's Friend* (New York, 1930), I, 182 *et seq.*

[63] See, for instance, the correspondence between Robert von der Goltz and Bismarck in 1863. *Bismarck-Jahrbuch*, ed. by H. Kohl (Berlin, 1894), V, 238-239.

[64] Radowitz did, in referring to his service in the Foreign Office, write, "To oppose the Bismarck of the 70's and 80's in any matter would have been unthinkable and impossible for me" (*Aufzeichnungen*, I, 264); but, as ambassador, he was not reluctant to contest Bismarck's views on policy. For fuller discussion of the "independence" of Bismarck's diplomatic corps, see H. Rothfels, "Die Erinnerungen des Botschafters Radowitz", *Archiv für Politik und Geschichte*, IV (1925), 389-390, and Hajo Holborn, "Bismarck und Werthern", *ibid.*, V, *469 et seq.*

[65] Waldersee, *Denkwürdigkeiten*, II, 30.

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Vienna began direct correspondence with the Emperor, while Huene in Paris sent reports to the sovereign by way of Waldersee's office.[66]

Bismarck was not slow in detecting these maneuvers and interpreting them as an attempt on the part of the Chief of Staff to establish "an organized political bureau in which correspondence with all the military attachés plays a major rôle."[67] In his last year, he sought to tighten his control over the attachés;[68] and, when he fell from office, he appears to have passed on to his successor his concern over the increasing military encroachment upon the diplomatic sphere. Certainly Caprivi, although a soldier, proved to be as inflexible an opponent of Waldersee's plans as Bismarck himself. In the course of 1890 he issued two circular instructions stipulating that all reports of military attachés must be scrutinized in the future by the chiefs of mission and ordering the attachés once again to leave politics to the professional diplomats. He added insult to injury by declaring war on the most refractory of the military diplomats and proceeded systematically to recall Waldersee's correspondents from their posts. Between 1890 and 1895, the attachés in Paris, Vienna, St. Petersburg and Rome were replaced; and, since their protector had himself fallen from grace in 1891, the "Waldersee system" was irretrievably ruined.

III

If the net result of the Bismarck and Caprivi periods was a victory for the professional diplomats, it was only a temporary one. Although Waldersee now passed from the scene, the young Emperor soon showed that he had inherited the General's principles; and his declared intention of combining in his own person the functions of Foreign Minister and Chief of the General Staff [69] proved to be a much more serious threat to the diplomatic corps than any of Waldersee's schemes. The per-

[66] See Meisner's introduction to Waldersee's *Briefwechsel*, p. xviii.

[67] Waldersee, *Denkwürdigkeiten*, II, 83-84.

[68] See Meisner in *Berliner Monatshefte*, XV, 959.

[69] Johannes Ziekursch, *Politische Geschichte des neuen deutschen Kaiserreiches* (Frankfurt, 1925-1932), III, 4.

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ennial Potsdam lieutenant, who dined to *Ulanenmusik*[70] and surrounded himself with uniforms,[71] William II had from the beginning of his reign shared Waldersee's conviction that his military attachés were superior in ability to the civilian diplomats. "He had", wrote his friend Philip Eulenburg, "sucked in like an infant at the breast the tradition that every Prussian officer is not only the quintessence of honor but of all good breeding, all culture and all intellectual endowment .... The military attachés at the Embassies and Ministries ... are haloed in the Emperor's sight ...."[72]

In the face of this predilection, Caprivi's firm measures came to nothing. What good did it do to recall the ambitious attachés of the Waldersee period, if the Emperor merely added them to his *maison militaire* or consulted them on matters of foreign policy? Yet this is precisely what happened. In 1891, for instance, William placed much more reliance on what Huene, the former military attaché at Paris, told him about French politics than he did in the reports sent by Count Münster, the German ambassador. Indeed, when Münster dismissed as inconsequential gossip Huene's warnings that France intended to attack Germany before the end of the year, the Emperor rushed to Huene's defense. Accusing Münster of "naïveté and childish trust", he demanded his dismissal and suggested that he be replaced by General-adjutant Count Wedel, also—significantly enough—a former military attaché.[73] Again in 1896 William demonstrated his faith in Caprivi's victims. After the Italian defeat at Adowa, the Emperor wished to send a special emissary to Rome to express his sympathy to the Italian sovereign and to suggest means of repairing his shattered forces. He chose for this purpose the former attaché Engelbrecht, whose political activities during his service in Italy had been notorious.

[70] Fürst Chlodwig zu Hohenlohe-Schillingsfürst, *Denkwürdigkeiten der Reichskanzlerzeit* (Stuttgart, 1931), p. 473.

[71] William's court marshall Zedlitz-Trützschler said that the Emperor's love of uniforms was so extreme that he customarily wore an admiral's uniform to performances of *Der fliegende Holländer*. *Zehn Jahre am deutschen Kaiserhof* (Berlin, 1923), pp. 89-90.

[72] Haller, *op. cit.*, II, 44 *et seq.*

[73] *G.P.*, VII, 295 *et seq.* The Foreign Office was in the end able to save Münster.

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Chancellor Hohenlohe objected to the mission, pointing out that it would be interpreted as a lack of confidence in the ambassador, Count Bülow.[74] The Emperor repudiated this suggestion indignantly. "The theme here", he wrote, "is one of a purely military-technical nature with which the adjutant has been entrusted for years, while the ambassador despite his experience is only a civilian and thus can neither judge nor understand purely military things as can a professional soldier . . . ." [75]

The insistence of the Foreign Office that military attachés submit all their reports to their chiefs of mission was also, during the Wilhelmine period, an ineffective restriction. The rule was not binding upon attachés who were also *Flügeladjutanten* and who, in virtue of their relationship to the Emperor, wrote directly to him; and, after 1895, the chief attachés were generally in this category. But even the plain and unadorned attaché knew that the Emperor's confidence in all military diplomats would make the chief of mission reluctant to object to the content of his reports and was likely to indulge in the expression of political opinions to an extent unheard of even in Waldersee's day.[76]

Needless to say, the evidence of imperial favor increased the arrogance of the military diplomats in general. Even in Bismarck's time, they had been uncomfortable colleagues, easily offended by trivia—like questions of precedence at embassy receptions—or inclined to express too openly the scorn of the Prussian officer for the mere civilian. But now the pretensions of the attachés were given every support in Berlin; while the professional diplomats were apt to be described, by the Emperor, as "bureaucrats" or, by the rising star Tirpitz, as "degenerate nobility or sons of big business men who are incapable of continuing the work of their fathers." [77] The hard-working

[74] At the top of a draft letter on this subject, Hohenlohe wrote: "E. wants to go to Rome to intrigue against Bülow. I must protect him." Hohenlohe-Schillingsfürst, *op. cit.*, p. 195 n.

[75] *Ibid.*, p. 195. Hohenlohe managed to stop the mission. See also Haller, *op. cit.*, II, 50-51.

[76] See, for instance, the reports of the military attaché in Constantinople in 1898. *G.P.*, XII, 571-575.

[77] Freiherr von Freytag-Loringhoven, *Menschen und Dinge wie ich sie in meinem Leben sah* (Berlin, 1923), p. 146.

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members of the diplomatic corps could not help but sense the prevailing attitude at court; and demoralization and a decline in efficiency were the inevitable consequences at foreign posts. Even established civil servants were apt to express their resentment, and dissipate their energies, by conspiring against the military favorites; and more than one embassy staff was split into warring groups. In 1911 when Hintze, the military plenipotentiary in St. Petersburg, was recalled at the Tsar's request, it was whispered that his position had been systematically undermined by members of the embassy; and the ambassador's wife was reported to have said: "*Enfin nous avons réussi à nous débarrasser de Hintze.*" [78]

The diplomats, however, had few such triumphs. Throughout the Wilhelmine period, the attachés went their own way, subject to no effective control, scornful of their civilian colleagues, contemptuous of the accepted rules of diplomatic behavior. And all too frequently their activities were such as to bring embarrassment to the diplomatic service and actual danger to the state. This may be illustrated by two examples: the involvement of the military attaché von Schwartzkoppen in the Dreyfus case and the questionable activities of the naval attachés in London in the last years before the war.

The question as to whether military attachés should indulge in espionage was much debated in the Prussian army; and there were many officers of the older school who regarded any intercourse with spies as incompatible with the honor of the officers' corps. This was the view, for instance, of General Walter von Loë, who had himself served at an embassy, but who maintained that grubbing for secrets was beneath the dignity of one who wore the King's coat.[79] But, if Loë had preserved that attitude during his years in Paris, his successors at that post did not. Ordered to send home information

[78] Gustav Graf von Lambsdorff, *Die Militärbevollmächtigten Kaiser Wilhelms II am Zarenhofe, 1904-1914* (Berlin, 1937), pp. 190 *et seq.*

[79] Waldersee, *Briefwechsel*, pp. 70-71. See also the similar views of the Austrian military attaché in Berlin in the 1860's. Wertheimer in *Preussische Jahrbücher*, CCI (1925), 265. In his *Duties of the General Staff* (3rd German ed., Berlin, 1893), Bronsart von Schellendorff gives a matter-of-fact discussion of the advantages of using agents, without touching upon the point of honor.

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about the state of the French army, they swallowed whatever scruples they might have felt and trafficked freely with confidential agents.[80]

In 1887, French suspicions of these activities precipitated a vicious press campaign against Huene, the German military attaché. He was eventually cleared after professing his complete innocence to the ambassador, Count Münster; [81] but the embarrassment caused by the incident led Münster to issue to the whole embassy personnel a stern command forbidding any intercourse with spies.[82] Despite this prohibition, in 1893 the military attaché Schwartzkoppen entered into relations with a French army officer, Major Esterhazy, and received military information and documents in return for cash payments. It was the sale of these documents that led, a year later, to the arrest and imprisonment of Captain Dreyfus, and the subsequent explosion of the famous " affair ".

The development of the Dreyfus case is well known and may be passed over. What is relevant here is the fact that, when the charges against Dreyfus became public knowledge and when Münster questioned his staff concerning them, Schwartzkoppen kept his relations with Esterhazy secret. He continued to do so until the very end of the case, although a judicious statement might have helped both Dreyfus and his supporter Picquart. Not until April 1898, when *Le Siècle* exposed Esterhazy, did the German Ambassador know of his attaché's liaison with that officer. The revelation infuriated him. He had, he said in a letter to Hohenlohe, repeatedly warned Schwartzkoppen against espionage and told him he would not tolerate it. But " that was all very well with Schwartzkoppen. Precisely because he knew my attitude, he kept his relations with Esterhazy a secret." [83]

It may be argued that Münster's attitude, if not naïve, was unreasonably idealistic, since espionage is inevitable in a period

[80] Bircher and Bode, *Schlieffen*, p. 47; Radowitz, *op. cit.*, I, 140.

[81] Waldersee, *Briefwechsel*, pp. 70 *et seq.*, 73, 75 *et seq.*, 83.

[82] Friedrich Thimme, " Botschafter und Militärattaché ", *Europäische Gespräche*, VIII (1930), 148.

[83] Hohenlohe-Schillingsfürst, *op. cit.*, p. 440.

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of power politics.[84] Moreover, as Schwartzkoppen explained in a letter to the Ambassador in December 1898 [85] and again in the apologia published after his death,[86] the attaché's hands were tied; his silence was imposed by his military superiors, with the knowledge of the Chancellor and the Foreign Secretary.[87] The fact remains, however, that Münster, as chief of a foreign mission, had been left in ignorance concerning the activities of a member of his staff; and, since his attitude toward the French government had been based on the belief that his embassy was not engaged in espionage, he had been placed in a false position.[88] It is understandable therefore that he should feel that "the whole diplomatic service is greatly discredited by this wretched institution of military attachés." [89] Certainly the Schwartzkoppen affair could not help but weaken the reputation and increase the working difficulties of German diplomatic establishments abroad.

An even more striking illustration of the dangers involved in the relaxation of controls over the attachés is afforded by the activities of the naval attachés in London in the last years before the First World War. These men regarded themselves less as technical experts than as special envoys whose duty in London was to represent the interests of the Imperial Navy and to see that the Tirpitz expansion program was not jeopardized by concessions made by the diplomats. As the diplomats sought a formula which would prevent the growing naval rivalry from causing an irrevocable breach between London and Berlin, the naval attachés made statements to British officials which could not be reconciled with the Foreign Office desire

[84] Esterhazy, for instance, had dealings with other foreign representatives, notably with Panizzardi, the Italian military attaché.

[85] First published by Thimme, *loc. cit.*

[86] *Die Wahrheit über Dreyfus*, ed. by B. Schwertfeger (Berlin, 1930).

[87] See also Hohenlohe-Schillingsfürst, *op. cit.*, p. 399; G.P., XIII, 287 *et seq.*

[88] See the opinion of O. von der Lancken, one of Schwartzkoppen's colleagues in Paris. *Meine dreissig Dienstjahre* (Berlin, 1931), pp. 37 *et seq.*

[89] Hohenlohe-Schillingsfürst, *op. cit.*, p. 440. Münster added: "It will be difficult to make this comprehensible to His Majesty the Emperor, who still clings to [the attachés] . . . ."

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for a settlement; while in their reports to Berlin they represented British offers of agreement as attempts to dupe Germany. The unhappy effect of these tactics on the Emperor, whose faith in his naval attachés equaled his confidence in his military informants, is evident in his marginal comments on their reports. If the failure to reach a naval accord was one of the causes of war in 1914, the naval attachés must share the responsibility for that conflict.

In February 1912, Bethmann-Hollweg, struggling to find a basis for agreement with the British, complained to the Emperor that his efforts were being crossed by the naval attaché, Captain Widenmann. In a recent conversation with Admiral Jellicoe, Widenmann had intimated that Germany's goal was a 2:3 capital ship ratio with Britain. This statement, wrote Bethmann, would give rise in England to

> incorrect notions concerning the goals which German policy is currently pursuing relative to the question of an accord over the naval armament of the two Powers. Above all, this incident is likely to confuse the issue there and to *impair seriously that confidence* which is the basis and necessary prerequisite for the favorable continuation of the exchange of views recently inaugurated .... Your Majesty will agree with me that the unity of direction in imperial foreign policy must be most seriously jeopardized, when it is interfered with by the military agents assigned to foreign missions, without instructions from the agencies responsible for this policy .... I therefore request most respectfully the authority to disapprove [Captain Widenmann's] ... action and to issue to him a warning that he must in the future remain within the boundaries of his assigned functions.[90]

William's indignation at this request is made clear in the marginalia. With respect to the required disapproval of Widenmann's action, he wrote: "No! He is an officer and can be disapproved only by the Supreme War Lord, not by his civilian superior." Beneath this he added: "I see in Widenmann's conversation absolutely no violation of his boundaries or his assigned functions." [91]

[90] A. von Tirpitz, *Der Aufbau der deutschen Weltmacht* (Berlin, 1924), p. 294.

[91] *Ibid.*

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Widenmann's nominal superior in London was the ambassador, Count Wolff-Metternich. Fully aware that the expansion of Germany's naval program was poisoning Anglo-German relations, Metternich had repeatedly expressed his concern over the attaché's undisguised hatred of the English and his insistence upon portraying as insincere all English attempts to find a basis for naval agreement.[92]

As early as December 1911, he urged Bethmann to recall Widenmann. When this advice was disregarded, he adopted the practice of accompanying the attaché's reports with long refutations written for the Emperor's eyes. This vain expedient was strongly supported by the Foreign Office, where Metternich's fears were shared; and, in March 1912, Kiderlen-Wächter informed the Emperor that Widenmann's reports "breathed a hatred and a distrust of England which, in my respectful opinion, are not justified and which . . . can only produce an unnecessary aggravation of the difficulties of our relations with England."[93] This last stand of the professional diplomats, however, came to nothing. The Emperor was now completely under the influence of his naval advisors, and he was in no mood to suffer criticism of his London informant. Instead, his long accumulated wrath descended on the head of Metternich. William had for some time regarded the Ambassador as "too flabby"[94] and as "absolutely unteachable in naval questions."[95] Now he concluded that "Metternich is hopelessly incurable!"[96] and insisted that he be recalled.

As the *Frankfurter Zeitung* suggested, the fall of Metternich was a kind of symbol for the complete victory of the Tirpitz fleet policy.[97] In addition, it was proof that, in the sphere of policy determination, the naval staff and their foreign reporters had won the kind of position to which the army chiefs led by

[92] See *G.P.*, XXIV, 132-133; XXVIII, 167; XXXI, 54 *et seq.*

[93] *G.P.*, XXXI, 199.

[94] *G.P.*, XXIV, 116.

[95] *G.P.*, XXXI, 55.

[96] *G.P.*, XXXI, 194.

[97] E. L. Woodward, *Great Britain and the German Navy* (Oxford, 1935), pp. 364-365.

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Waldersee had aspired in the 1880's. Certainly, as far as the vital London post was concerned, the naval attachés now completely disregarded the wishes of the chief of mission and the Foreign Office and followed the directions of the *Reichsmarineamt*. When Widenmann was transferred in September 1912, he was replaced by Captain E. von Müller, who shared all of his prejudices and pretensions. Müller nailed his colors to the mast in a letter to Tirpitz written shortly after his appointment:

> Experience teaches that when the inky diplomats want to accomplish anything, the making of concessions begins and, since England never gives anything for nothing—not even things which she doesn't own herself—one must be on guard that no conditions are proposed and championed by our diplomats that we—the Imperial Navy—cannot accept.[98]

Müller's fear of concessions was almost pathological. When, in June 1913, Winston Churchill, in private conversation with him, suggested the possibility of a naval holiday, Müller wrote to Tirpitz asking whether it would be wise to mention this conversation in his official report to Berlin, that is, in the report which would go to the Foreign Office and eventually to the Emperor. Through a subordinate, Tirpitz answered that, in view of the "universal desire for a permanent understanding with Britain", both the Reichstag and the Foreign Office might unfortunately be receptive to Churchill's idea. In the circumstances, then, it would be well for Müller to report the conversation as briefly as possible, and to state that the impression derived from it was that Churchill was seeking to delay or hinder the expansion of the German fleet because he feared that Britain could no longer maintain her superiority.[99] The naval attaché followed his instructions and twisted the report in a manner designed to prejudice the Emperor against a possible arrangement.[100]

In this plain distortion of the very purpose of diplomatic reporting, we can detect the bland assumption of the military

[98] Tirpitz, *op. cit.*, pp. 355-356.

[99] *Ibid.*, pp. 395-397.

[100] *G.P.*, XXXIX, 39 *et seq.* and note.

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and naval leaders that they alone had the right to determine the foreign policy of the Empire. From this point until the outbreak of war, the attachés in London followed their own laws and determined, on the advice of their military superiors, what was fitting for the Emperor's ears. In February 1914, Foreign Secretary von Jagow wrote in despair to his ambassador in London: "Most disagreeable is the tendentious reporting of your naval attaché. Can you not keep him a bit more on leash? This everlasting baiting and calumniation of English policy is extraordinarily disturbing, especially since it is always used *en haut lieu* in argument against me." [101]

IV

When Grolman called in 1816 for the appointment of attachés to foreign missions, he expressed the belief that it would be possible for them to remain "unpolitical". The history of the institution of military attachés in the nineteenth century demonstrates that his confidence was not justified. Throughout the Bismarck period, the military reporters waged a stubborn campaign against attempts to restrict their functions; under William II, they succeeded in making the field of politics their own and in establishing themselves as a kind of independent diplomatic corps.

It would be a mistake to explain this process solely on the basis of the ambitions of individuals or the frailties of the German constitutional system. It was perhaps inevitable in the nineteenth century that the military technician should encroach upon the field of politics. The progressive mechanization of warfare made it essential for policy makers in time of international tension to solicit and weigh the advice of army and navy staffs with regard to foreign capabilities; and, in the age of *Realpolitik,* the boundary between "military-technical subjects" and political matters was necessarily indistinct. But, once the German military establishment was drawn into the current of politics, it changed—to use Alfred Weber's words—"from a purely subservient instrument of the State into an independent political factor, gradually pursuing its own poli-

[101] *G.P.*, XXXVII, 105.

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cies." [102] In Berlin, the General Staff and the *Reichsmarineamt* sought to supersede the Foreign Office in the field of policy formulation; abroad, the attachés, as representatives of the views of the military establishment, began to compete, rather than to collaborate, with their diplomatic colleagues.

This competition was reflected in the dangerous dualism characteristic of German diplomatic reporting before the First World War. Commenting upon this, William II wrote in 1913:

> The hiatus in reporting between the civilians and the military is historical .... The civilians never wish to admit or to understand ... danger when the military warn them against it. As soon as the relations between two countries reach a point where they must be judged also from the standpoint of military possibilities, the military point of view is always underrated and ridiculed by the aggrieved diplomats.[103]

As an explanation, this is at best superficial. The discrepancy between civilian and military views on specific issues had deeper roots than the Emperor suspected; it arose, indeed, from the profound difference between the civilian and military attitudes toward the very meaning of diplomacy. The professional regarded his task as one of making resort to war unnecessary, and his basic approach to the most serious problems was predicated on the assumption that they could be solved by negotiation and mutual concession. The soldier came to the same problems with a less profound political insight, with an inbred suspicion that concession might be regarded as weakness and with that fundamental military pessimism which prefers resort to the *ultima ratio* to prolonged negotiation. In the critical years before 1914, as in the great crisis of 1887, the diplomats clung to the possibility of conciliation and agreement; the military chiefs and their agents, the attachés, thought always in terms of military expediency. In the end, the " hiatus " was resolved, to the advantage of the military; and the Empire was plunged into its final disaster.

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[102] Alfred Weber, *Farewell to European History* (London, 1947), p. 68.

[103] Tirpitz, *op. cit.*, p. 367.

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THE INDIAN STATES:
A Study of Their Constitutional Position

I

AUGUST 15, 1947 marked the end of British rule in India. Since that day, many problems—some unexpected—have fixed world attention on the new Dominion. One of the most difficult problems was that of the Indian States, numbering about 560. Under the leadership of Sardar Patel, the "Iron Man", the States Ministry in the govenment of India has, within a remarkably short time, brought about an integration of the Indian States which has revolutionized both their external relations and internal affairs. The process of fitting them into the constitutional structure of India by adding them to the Dominion has worked smoothly with the majority of States. It is reported that only about a dozen remain outside the orbit, and among these few the sore point is Kashmir.

In Kashmir, one of the largest States, whose Maharaja has joined the Indian Dominion, an undeclared war was carried on between the two newly created Dominions of India and Pakistan for more than a year. Until recently Hyderabad, whose ruler, the Nizam, is reputed to be the richest man in the world, was also in turmoil. The Nizam—a Moslem Prince ruling autocratically over an overwhelming majority of Hindu subjects—had shown an inclination to declare his principality a sovereign state. The government of India did not view the intentions of the Nizam with favor, and insisted that a sovereign independent Hyderabad would be a danger to the safety of India both internally and externally. Apart from the questions of security and defense, this created an important constitutional issue. The question was: did any state have the right to consider itself sovereign?

The position of the Indian States in Indian polity is very peculiar; it is responsible to a considerable extent for the estrangement of feelings between India and Pakistan. This complex problem, further complicated by the Nizam's recent

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assertion of his legal right to declare himself an independent sovereign, can be understood only through a retrospective glance at the history of the princely States.

II

The political system represented by the relations between the Indian States and the British government, which came to an end when India became a Dominion, was neither feudal nor federal, though in some respects it showed similarities to both. This aspect sometimes confused the careful student of political science, and not infrequently it deceived the statesman. The States were not subject to international law; they were bound to the British government by solemn treaties, but were spoken of in official documents as "Allies", like other independent sovereign states. It would be wrong to consider the whole system a political confederacy in which the major partner had assumed special rights, particularly in foreign affairs and defense, and in which the parties had admitted that the constituent members had no right of secession.

Among writers on the Indian States there was little agreement. One group, composed of British officials who put forward the government's point of view, stressed the Roman analogy and pushed it to the length of claiming for the Paramount Power unlimited authority over the States. They held that the rights and privileges of the States were derived directly or indirectly from the Paramount Power and were not inherent. Their position was strengthened by Lord Curzon, the Governor-General of India, who expounded this doctrine in his public speeches. The exponents of this point of view centered their efforts on justifying the claim of paramountcy. Some had endeavored to establish the feudal theory, maintaining that if the fiefs under the feudal system were isolated, so were the native States; and if the holders of the fiefs enjoyed immunity from the laws of any external power, so in general did the chiefs, exercising various degrees of internal sovereignty.[1] These writers felt that they could discern, in the method by

[1] *Our Indian Protectorate* by Sir Charles Tupper, quoted in *The British Crown and the Indian States* by the Directorate of the Chamber's Special Organization, Chamber of Princes (London, 1929), pp. 100-106.

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which the system of protectorate had been gradually formed, a likeness to the process of feudalism. Whatever the relationship between the Indian States and the British government may have been, it is quite obvious that it had no analogy to feudalism; nor had the government of India ever sought to put forward this theory.

The apologists for the Indian States, on the other hand, advanced a different interpretation. They held the view that the States occupied an almost sovereign status.[2] They maintained that the principal States, which in population and area were bigger than most of the sovereign independent states of Europe, were bound to the British government by solemn treaties and were spoken of in official documents as "Allies". Their independent existence was borne out by the fact that they exercised many powers which pertained to sovereign states. They had their own flags, though subordinate to the Union Jack; they maintained their own armies, police systems, judicial systems and revenue systems, quite independent of those in the British Indian provinces. The Prince was the highest judicial authority in the State, with rights of pardon and mercy. No appeal from the decision of the courts in the States, similar to the appeals from the courts in the British Indian provinces, lay to the Privy Council. The acts of the British parliament were not operative in the States. The treaties of alliance between the principal States and the British government were negotiated through regular diplomatic channels. That the States were forbidden to declare war, enter into peace treaties or have any independent international relations with foreign Powers did not preclude them from enjoying some of the aspects of the sovereign independent States.[3] Such were the sentiments in the mind of the Nizam of Hyderabad, which prompted him to put forward—against heavy odds—his claim to sovereign status.

III

The Indian States, prior to August 15, 1947, numbered about 560 and varied greatly in area, population and revenue. The

[2] *Ibid.*, pp. 30-35.

[3] See *An Introduction to the Study of the Relations of the Indian States with the Government of India* by K. M. Panikkar (London, 1927), pp. 125-126.

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biggest were as large as France, Germany or Spain, with populations almost as great; the smallest, on the other hand, were not more than a few square miles in size with populations counted in the hundreds. The popular conception, accepted until very recently even by the political department of the government of India, put all these heterogeneous units in the same category. This made their study more difficult and gave currency to various erroneous theories and notions with respect to their relations with the British government. Nor was the classification of the States into various groups an easy matter, for the political practices of the government of India and consequently its relations with the States had changed so considerably during the last one hundred and fifty years that it was almost impossible to categorize them on any scientific basis, without examining the secret archives of the political department of the government of India. This difficulty came to the forefront during the time of Lord Chelmsford's governor-generalship after the First World War, when a classification of the States was required as a preliminary to the constitution of the Chamber of Princes. The only available way out of the difficulty was the resort to the salute list. The States were classified according to the number of guns fired by the Indian government in honor of the princes visiting British Indian territory. The biggest States, like Hyderabad and Kashmir, enjoyed 21 gun salutes; a few received 19; while others ranged down to 9 gun salutes depending upon their status. Hundreds of them did not even enjoy the honor of being greeted in that manner.

IV

The problems of the Indian States in their present form are entirely a result of the British occupation of India and the growth of its power in the subcontinent. The mighty edifice of the Mogul Empire began to crumble in the eighteenth century after the death of Emperor Auranzeb in 1707; and with the decline of Mogul power, distant viceroys and governors began to assert and maintain their independence of the central authority. Advantage of the situation was taken by the British East India Company, by dealing directly with the viceroys and governors, who were de facto sovereigns in their dominions

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though they rendered nominal allegiance to the throne at Delhi.

Slowly and steadily, by means sometimes questionable, the British gained ascendency in India; and the rise of their power corresponded with the decline of the Moguls. In the early part of its struggle with the French, who were also in the field for carving out an empire, the Company depended to a considerable extent upon the coöperation and support of the Indian States. Some of the treaties with the Indian princes which date from that time were entered into on terms of equality. But the rapid change in the fortunes of the Company in the first half of the nineteenth century, which resulted in the domination of the entire subcontinent of India, led to a complicated and complex relationship with the princely States. The different phases of this treaty relationship can be explained by the condition of the Company's fortunes at the time a treaty was concluded. Thus the treaties of mutual friendship and reciprocal obligation soon were replaced by others based on subordinate coöperation, allegiance and loyalty.

V

After the extinction of French power in India at the end of the eighteenth century, the only threat to the Company's domination came from some of the powerful Indian States. The policy adopted by the British from this period on, until the Indian Mutiny of 1857, was to weaken these States and to increase their own dominion. The policy of annexing the territories of the Indian princes was shown in its ugly reality in the conflagration of 1857, though some of the far-sighted statesmen of the Company had realized this fact much earlier.

The timely aid of some of the princes in the Mutiny of 1857 helped to prevent the extinction of the British domination of India. The States from that time onward began to occupy an important position in the scheme of British administration in India. The British owed their existence to them. But what if they had chosen to act differently? Could the British government rely on their coöperation, if another uprising similar to that of 1857 should occur? The British government did

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not want to leave the choice with the princes, and thereafter the government maintained the territorial integrity of the princely States.

The great Mutiny of 1857, and the subsequent assumption of direct control of the vast empire by the Crown, changed entirely the constitutional position of the States. From independent allies, the big States found themselves transformed into protected feudatories of the Crown; and the Governors-General of India, after 1857, frequently referred to the irresistible military strength and unquestioned authority of the Paramount Power. The Indian rulers were given special assurance that their treaty rights and obligations were in no way affected, and the Government of India Act of 1858 had a clause to this effect: "All treaties made by the Company shall be binding on Her Majesty." The historic proclamation of Queen Victoria on the assumption of the government of the East India Company on November 1, 1858 put the position more elaborately:

> We hereby announce to the Native Princes of India that all treaties and engagements made with them by or under the authority of the East India Company are by us accepted and will be scrupulously maintained, and we look for the like observance on their part.
>
> We desire no extension of our present territorial possessions, and while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others. . . .[4]

The policy as laid down by the Queen's proclamation undoubtedly put a stop to annexation; it introduced instead rule by loaned officers and nominated *dewans* (chief ministers), with strict control through the Resident and the regulation of succession. The attempt was not to annex the territory of the princes but to acquire their power, to make the States an integral part of the Indian policy. Thus, from this time onward, the government of India resorted to veiled interventions, reduction of the constitutional position of the princes and the

[4] *The Oxford History of India* by Vincent A. Smith (London, 1923), p. 728.

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conversion of their principalities into dependent states. The British Crown not only stepped into the shoes of the East India Company, with which many of the States had treaties on the basis of equality, but also put on the mantle of the Mogul Emperors and claimed the rights of sovereignty which they once had enjoyed.

The policy of assuming sovereign rights over the States and the conversion of their rulers from semi-independent allies to feudatories found expression in the "doctrine of paramountcy". With the passage of time, the Paramount Power became more powerful and the position and power of the princes declined proportionately. Thus, by the close of the nineteenth century, the relations of the States with the British government underwent a distinct change. Lord Curzon, who was Governor-General of India at the beginning of the present century, raised the theory of paramountcy to its zenith when he declared in a speech: "The sovereignty of the Crown is everywhere unchallenged. It has itself laid down the limitations of its own prerogative." [5]

This view had been first promulgated in 1860 when Lord Canning declared:

> The territories under the sovereignty of the Crown became at once as important and as integral a part of India as territories under its direct domination. Together they form one direct care, and the political system which the Moghuls had not completed and the Maharattas never contemplated is now an established fact of history.[6]

The theory, in a word, maintained that, as against the Paramount Power, the princes had no rights, and all their privileges, status, rank, dignities and jurisdictions were dependent on the good will of the British government of India.

> This attitude of considering the rulers of Indian States as servants of the Government of India, bound to take orders from Simla and Calcutta and having no rights of their own, was best illustrated

[5] *Lord Curzon on India: Being a Selection of His Speeches* (London and New York, 1906), p. 227.

[6] *Imperial Gazetteer of the Government of India*, vol. IV, p. 82.

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in the circular issued by Lord Curzon's Government, stating that before an Indian Ruler left India the permission of the Viceroy should be obtained.[7]

Lord Reading further amplified the British theory concerning the status of the Indian States as early as March 27, 1926, when in a letter he wrote to the Nizam:

> The Sovereignty of the British Crown is supreme in India, and therefore no Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements, but exists independently of them. . . . The right of the British Government to intervene in the internal affairs of Indian States is another instance of the consequence necessarily involved in the supremacy of the British Crown. . . . I will merely add that the title Faithful Ally which Your Exalted Highness enjoys has not the effect of putting your Government in a category separate from that of other States under the paramountcy of the British Crown.[8]

VI

Once again, during the First World War, the Indian princes took up the cause of the British by whole-heartedly supporting the Allies. All the resources of the States were put at the disposal of the British government. After the war, the relations of the British government with the princes underwent another change. They were no longer looked upon with suspicion as after the Mutiny of 1857; now the danger to the British came from another source—the political awakening of the Indian people. The Indian States, being themselves reactionary, were wont to help the British in their difficulty, and consequently the government made a common cause with them to check the growing tide of nationalism. As an appreciation of their services rendered during the war and to consolidate their effective strength as a bulwark against the growing strength of the nationalist movement in the country, the princes were allowed to constitute themselves into a body known

[7] Directorate of the Chamber's Special Organization, *op. cit.*, p. 92.

[8] *White Paper on Hyderabad*, Government of India, 1948, Appendix I, p. 43.

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as the Chamber of Princes, a sort of trade union of the princes. As an organized body, they could be more effective for the common cause of subverting nationalist force in the country. Previous to the First World War, the princes were kept in isolation and the political department of the government of India dealt with them individually. Direct intercourse of one State with another was entirely forbidden. Now, however, they were allowed to deliberate on matters of common concern —with the political department of the government of India keeping a vigilant eye on their proceedings.

The Government of India Act of 1935 which attempted to change the unitary state of India to a federation, brought into the orbit of the scheme the princes as well. They were given the option to join the proposed federation, and many of them did subscribe to the scheme with varying degrees of reservation. Before the full scheme could be put into operation, the British government was engaged once again in a life-and-death struggle against Germany. The princes, true to their tradition, threw in their might with the cause of the British. World War II had a far-reaching effect. The world of 1945 was entirely different from the world of 1939. The victory of the Allies not only destroyed the reactionary forces of fascism in Europe, but in the East the foundations of British imperialism were blasted once and for all.

India was declared a Dominion of the British Commonwealth on August 15, 1947, with the option of seceding from the Commonwealth after a specified period of one year. The position of the States had once again undergone a change, more significant than ever before. They had the choice of joining either of the Dominions—India or Pakistan—into which the country had been divided. The majority of the princes have put in their lot with one Dominion or the other.

VII

The contention of the Nizam of Hyderabad and his supporters that the States had a legal right to independence was not valid. They based their arguments on the theory that the mutual rights and obligations created by treaties and agreements were between the States and the British Crown, and as such were

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regulated by the doctrine of paramountcy. This doctrine of direct relationship with the Crown became important after the pronouncement of the British government on August 20, 1917 —a prelude to the introduction of the Reforms of 1919. The position was taken up by Sir Leslie Scott, the counsel for the princes, and by the Butler Committee on Indian States. Dr. A. B. Keith, supporting the point, observed: "It is important to note that the relationships of the Native States, however conducted, are essentially relations with the British Crown and not with the Indian Government, and that this fact presents an essential complication as regards the establishment of responsible government in India." [9]

The above-mentioned position taken by the Nizam and his supporters does not conform to the facts. The original treaties and engagements in most cases were made between the States and the government of the East India Company. The East India Company first got its power through royal charters, and later by acts of parliament, but the officials of the government (which was carried on in the name of the East India Company) made all the treaties and engagements on behalf of the Company and not on behalf of the Crown.

The Queen, in her declaration of November 1, 1858 (referred to above) on the assumption of responsibility for the governance of India, merely took note of the treaties and engagements and accepted them "to be scrupulously observed". As the government of the Company was transferred to the Crown (acting through the Secretary of State for India and the Governor-General in Council with the help of other officials, and responsible to the British Parliament) the Crown also accepted the duty—among others—of recognizing the treaties and engagements existing between the East India Company and the Indian princes. It was, so to speak, a corollary to the transference of power from the Company to the Crown, and, since the government of British India has been transferred to the Indian Dominion, the Indian government consequently assumed the same responsibility on August 15, 1947 as the British Crown assumed on November 1, 1858.

[9] *The Constitution, Administration and the Laws of the Empire* by A. B. Keith (London, 1924), p. 250.

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From the above observations, and a study of the growth and operations of the doctrine of paramountcy, the contention that paramountcy resides in the Crown is not tenable. After the transfer of the government of the East India Company to the Crown, relations with the States had been conducted by the Governor-General in Council through the political department of the government of India and various local governments, and, except in important cases, without consulting the Secretary of State. As a result of the actions of the various Governors-General in Council, who developed the concept of paramountcy, what was in 1858 a delicate noose developed about a century later into a tight rope about the necks of the princes—the loose end of which was always held by the Governor-General.

Therefore, it follows that it was the government of India which was the Paramount Power as far as the Indian States were concerned, although it was the King who had the paramount authority—not because he was King of England, but because it was in him that the government of India was vested. All acts of the government of India were done in the name of the Crown in which the statute had vested the government of the country.

That the government of India was the Paramount Power is borne out, also, by the fact that several of the States paid tribute to the government of India, the amount of such tributes being credited to the revenue of British India. The princes of India had nothing to do with the King of England, although they were bound by certain ties to him as sovereign of British India. The whole confusion arose from the fact that the Crown of India and the Crown of England were possessed by the same person.

It will therefore be readily admitted that the relations of the Indian States had always been with the rulers of British India; if at one time those rulers were the East India Company and later the Crown, today they are the government of the Indian Union, and they have inherited all the assets and liabilities of their forerunners—including the powers and privileges appertaining to paramountcy.

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Apart from the legal consideration, it is the fundamental duty of the government of India to secure peace, order and good government within its territories. What would be the position of India if all the States were to become sovereign independent states? A situation would arise which would make the Balkan problem seem a simple one. India, in that case, would be a hotbed of intrigue and warfare among the native sovereigns, and a situation similar to that of the seventeenth and eighteenth centuries would be created. It would be, in other words, a negation of the freedom of India, and any rule of action adopted by the States creating that state of affairs could not hold ground. Even if—for the sake of argument—the government of the Indian Union did not inherit the right, among others, appertaining to paramountcy, it would be necessary for the welfare of the country for the government to assume it. The growth of the paramountcy of the government of British India over the Indian States was necessitated by historical circumstances, and it would be historical circumstances again which would compel the government of the Union to assume and continue to exercise the same powers. The fundamental aspect of paramountcy—that is, the security and defense of the country—still remains; and any government which assumes authority in India and is responsible for the defense of its territories cannot but assume the rights and duties implicit in the doctrine.

In conclusion, it might be said that the British government of India and not the Crown had the right of paramountcy prior to August 15, 1947, and as such the government of India assumes the same inherent rights of paramountcy over those States which have so far not joined the Indian Union. The police action of the government of India is justified by law as well as by the practical necessity to protect the people of Hyderabad against the unruly elements of the Razakars and the Communists.

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Contributors to the March Issue

Lucius Wilmerding, Jr., has written two important books on government—*Government by Merit* (1935), a study of the American civil service prepared for the President's Commission of Inquiry on Public Service Personnel, and *The Spending Power* (1943), a history of the efforts of Congress to control expenditures, based on researches made while in the Treasury Department, 1934-1941.

Matthew A. Kelly, who is an Assistant Professor in Economics at Princeton University, obtained the data for his article on "The Reconstitution of the German Trade Union Movement" while he was Chief, Wages Section, and Economic Consultant, Manpower Division, OMGUS, during 1945-1946. He also served as the representative of the United States on the quadripartite committee for wages and labor standards of the Allied Control Council.

O. R. Reischer is a Lecturer in Economics, University College, Rutgers University. His article on "Saar Coal after Two World Wars" was written at Columbia University, where he is studying for his doctorate in the Department of Economics.

Gordon A. Craig is Associate Professor in History at Princeton University and will be Visiting Professor and member of the European Institute at Columbia University during the academic year 1949-1950. He was collaborating editor and contributor to *Makers of Modern Strategy: Military Thought from Machiavelli to Hitler* (Princeton, 1943) and is currently engaged on a study to be entitled *Militarism and Statecraft: The Politics of the Prussian Army since 1948.*

Harnum Singh taught international law and Indian constitutional law at Delhi University before coming to America in 1946. He is now a Watumull Foundation Lecturer in International Relations in the Department of Political Science at Georgetown University, Washington, D. C.

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REVIEWS

Individualism and Economic Order. By FRIEDRICH A. HAYEK. London, George Routledge & Sons; Chicago, University of Chicago Press, 1948.—vii, 271 pp. $5.00.

Hayek's position on economic policy is baffling: stressing the function of the free market and the dangers of expanding public controls, admitting the necessity of a considerable measure of control, but avoiding adequate definition of the line between the controls he opposes and those he would approve. The present volume contributes little to clarification of this vagueness. This is partly because the volume is a collection of short essays and addresses, in which Hayek repeatedly excuses himself from systematic and specific elaboration on grounds of lack of space; but it seems to be more fundamentally a matter of Hayek's method of attacking the analysis of these problems.

He starts with a principle, which he emphasizes as of dominant importance. He then admits that an opposing principle has validity and some proper scope; but never comes to grips with the question how far the opposing principle may properly be carried, and how it may be kept down to sound methods and limits. This is a fairly common theoretical method of analysis; and amounts to throwing the pragmatic emphasis, which generally accompanies the inevitable oversimplification of theory, in one direction or the other. If this direction is that in which the next steps need to be taken, this pragmatic effect may be useful, so far as it goes and so long as only those next steps are in consideration. If the emphasis is thrown in the opposite direction, as Hayek's is, its usefulness is limited to sounding a very general warning against possible excesses or wrong methods, but without yielding much useful guidance to those who are earnestly seeking it, aware of dangers but aware also of things that must be done.

The strong and weak points of this method are well illustrated in his opening discussion of true and false individualism; the true being the variety associated with Adam Smith and the false being based on the apotheosis of reason characteristic of Rousseau—one wonders why Bentham was not mentioned. True individualism requires that the individual be ready to accept, among other arrangements, some whose rational justification is not apparent to him. False individual-

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ism, requiring institutions to be squared with a utilitarian calculus, leads inevitably to socialism. In the discussion there is much that is enlightening and much with which the reviewer agrees; but in the end he finds that these two currents are inevitably joined, and that Hayek himself is defending "true" individualism on a basis of a rational calculation of its results. This leaves him with the question already posed: how and where is the line to be drawn or the balance to be struck?

In principle, Hayek recognizes a very adequate assortment of limitations on laissez faire, starting with the meaninglessness of exchange unless one knows the institution of property that determines what rights are exchanged, going on through health and city-planning to the necessity of industrial stabilization and of some combination of sustained employment and unemployment benefits. But the remedies required are dismissed in a way that can fairly be called parenthetical. Monetary methods of stabilization are mentioned, but not elaborated, with the exception (in a separate essay) of the Graham commodity dollar, which Hayek approves, and to which he adds a suggestion for accepting futures contracts as part of the commodity reserve against which money would be issued. A "mixed economy" is dismissed as "easily shown" to be unworkable (citing Mises). There must be "some sort of provision. . .for the unemployed and the unemployable poor"; but no real employment-sustaining policy is even adumbrated.

The one subject that receives sustained examination is the "positive economics of socialism". Here Hayek devotes himself to demonstrating that the attempt to incorporate the principle of a competitive market system into a socialist economy is inherently unworkable on economic grounds—not that it could not produce a system that would somehow produce and distribute goods, but that it would fall so far short of its goal, of efficient utilization and correct allocation of resources, as to lose more than all of its expected advantages as compared to a real competitive system, even one with serious imperfections. In this argument there is much that is worth consideration, despite what seems to the reviewer a doctrinaire exaggeration of the supposed need of expressing all utility-differences as price-differences. Hayek even pays a little attention to the question of attitudes that would determine whether economic planners would be likely to *want* to follow the economically correct and competitive principles, as against the methods of group-protectionism and restriction.

In his final essay, he extends the same general argument to the question of economic federation between states, indicating that the same logic that calls for free trade between the states in a federation

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works also against separate national policies of economic planning, so that the scope of state economic action is more limited in the members of such a federation than in separate sovereign states. The argument is interesting in the light of the attempts at common action now being made in western Europe, but the reader may well suspend judgment. Hayek is presumably not arguing that Russia's zone of satellites is an impossibility, or that trade between socialist nations is impossible; but at times he seems to be.

In general, Hayek seems to underrate amazingly the seriousness of the problem of assured employment, and the extent of the public intervention it makes inevitable. He pitches his argument on a mechanistic economic level, and seems simply intolerant of attitudes that do not fit into such a scheme, rather than recognizing their existence and seeking a viable adjustment with them. On this basis, he seems doomed to the rôle of Cassandra.

J. M. Clark

Columbia University

Civilization on Trial. By Arnold J. Toynbee. New York, Oxford University Press, 1948.—vii, 263 pp. $3.50.

In this informal collection of thirteen stimulating essays and addresses Toynbee reiterates some of his well-known views, but here and there he adds a personal touch absent from his more formidable volumes. In the first essay he gives an autobiographical account of his childhood interest in English history under the influence of his intellectual mother. By immersing himself in the study of ancient times, however, he was soon able to cast off the complacency of typical middle-class Englishmen of his generation who believed that, for them, history had come to an end between the Battle of Waterloo and the Indian Mutiny of 1857. "Once I heard this great symphony [of Graeco-Roman history], I was no longer in danger of being hypnotized by the lone and outlandish music of the parochial history of my own country" (pp. 5, 17). The volume concludes with the author's profession of faith, first formulated in March 1947 in a lecture at Union Theological Seminary, in "The Meaning of History for the Soul". Together with another lecture on "Christianity and Civilization", delivered at Oxford in the critical days of May 1940, this *theologia historici* furnishes a key to the understanding of Toynbee's general outlook on history; for the latter may, not unfairly, be described as a *historia theologici* stemming from his belief that all history is but a province ("and not the most important one", p. 263) of the Kingdom of God.

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Understandably, *Civilization on Trial* is oriented toward the future as much as toward the past. By constant repetition Toynbee tries to hammer into the reader's consciousness his conviction, which no one will seriously dispute, that the five or six millennia of civilized history are but a small fraction of the 600,000 or more years ascribed by scientists to the human race, the 500 to 800 million years of the existence of life on earth and the 2,000 million years which seem to have passed since the appearance of our planet. Because of their "infinitesimal brevity," he declares, "it would be impossible to show them, drawn on scale, on any chart of the whole history of this planet up to date" (p. 37). From this point of view our entire Western civilization is "contemporary" not only with the four other surviving great civilizations (Greek-Orthodox, Muslim, Hindu and Far Eastern), but also with the fourteen other civilizations now extinct, including those of ancient Sumer and Egypt. Today this series "of parallel, contemporary and recent essays in a new enterprise" is merging into a new unity, and our descendants "are going to be the heirs of Confucius and Lao Tse as well as Socrates, Plato, and Plotinus; heirs of Gautama Buddha as well as Deutero-Isaiah and Jesus Christ; ... heirs of Ibn Khaldun as well as Bossuet; and heirs (if still wallowing in the Serbonian Bog of politics) of Lenin and Gandhi and Sun Yat-sen as well as Cromwell and George Washington and Mazzini" (pp. 8, 90).

Here one notices the basic inconsistency in Toynbee's—and not only his—interpretation of history. On the one hand, he attacks the provincialism of the Western man's exclusive familiarity with Western history and considers the present education of Eastern peoples superior in so far as, abandoning their "traditional self-centered parochial point of view" (p. 83), their élite now studies Western history as an integral part of its own heritage. On the other hand, he stresses that only since 1500 A.D. a truly unified world has become possible on a global scale under the impact of the West's technical "know-how". He also admits that atomic warfare set in motion by Western technicians might put an end to all the five or nineteen civilizations and, except for some vestiges to be salvaged perhaps by Negrito Pygmies of Central Africa, accelerate the replacement of man by some new dominant species.

Similarly, he is deeply concerned about the present balance of power which, for the time being, rests with the "mutually subversive" super-Western United States and the "Byzantine" Soviet Union. Whatever the more distant future may hold in store for Brazil, India or China, he is certain that not even the British Commonwealth or

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a federated Europe has any chance of becoming a comparable economic and military unit. He is therefore doubly disturbed by the race-consciousness of the English-speaking nations which he sharply contrasts with the genuine brotherhood of man long preached and practiced by Islam. Courageously enough he condemns the former as perhaps the most serious obstacle to the achievement of an otherwise unavoidable world unity. At the same time he evinces great concern for the future of the Western middle class which, although numerically a tiny minority, "has leavened the lump and has thereby created the modern world" (p. 21). Generally insisting that since all past religious as well as secular civilizations have given way to some newer forms, our Western civilization is also bound soon to be replaced by another, perhaps again centered in Babylonia or somewhat further east. And yet he is convinced that Christianity alone is going to endure. Even when secular Western civilization perishes, he believes, Christianity will be left as the spiritual heir to all religions and philosophies "from Ikhnaton's to Hegel's, while the Christian Church as an institution may be left as the social heir of all the other churches and all the civilizations" (p. 240).

These are Augustinian overtones. Here one gets a glimpse of that "Commonwealth of the Saints" which is not of this world but performs its this-worldly pilgrimage toward some unknown and unknowable goal. Clearly in the perplexities of this pilgrimage the brief experiences of human civilization can produce lessons of but limited scope and value. Toynbee plausibly argues (against Gibbon and Frazer) that Christianity's quest for the salvation of the individual soul was really a significant advance over the Graeco-Roman submergence of the individual to the needs of society. The climactic achievement of Graeco-Roman civilization is to be dated, therefore, not in the second century A.D., but in the fifth century B.C. At that time it broke down because, though successfully solving its economic problems, it failed to meet the great political challenge of unity vs. local sovereignty, and in four centuries of constant warfare achieved merely a temporary equilibrium in the *pax Romana*, "a peace of exhaustion" (p. 60). But even while driving hard this memento for our own "civilization on trial", Toynbee cannot quite conceal his conviction that material self-destruction accompanying these endless wars was not truly lethal and that "in the past, at any rate, it has been the spiritual wounds that have proved incurable" (p. 135).

It is small wonder, then, that Toynbee's program of action is likewise essentially unrelated to his historic lessons. In fact, he takes pains to explain why, despite history's tendency toward repetition, an

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important device of nature's creative faculty, man must assert his free will and, by concerted action, promote the recurrence of useful and prevent that of harmful repetitions—perhaps even try to achieve something wholly unprecedented:

> What shall we do to be saved? In politics, establish a constitutional co-operative system of world government. In economics, find working compromises (varying according to the practical requirements of different places and times) between free enterprise and socialism. In the life of the spirit, put the secular super-structure back onto religious foundations.... Of the three tasks, the religious one is, of course, in the long run by far the most important, but the other two are the more urgent, because, if we were to fail in these in the short run, we might lose for ever our opportunity of achieving a spiritual rebirth.... The political task is the most urgent of all (pp. 39, 40).

The chances are that this program, if submitted to a public opinion poll, would be found acceptable to a vast majority of men, including those who had never heard of (relatively few indeed in view of the great popularity of both *Civilization on Trial* and *A Study of History*) or are at variance with Toynbee's view of history. Perhaps this very agreement in objectives by the whole world's informed opinion, combined with its total disagreement, indeed utter confusion in regard to methods of their implementation, is setting another historic precedent fraught with unpredictable consequences.

COLUMBIA UNIVERSITY SALO W. BARON

The Proper Study of Mankind....An Inquiry into the Science of Human Relations. By STUART CHASE. New York, Harper & Brothers, 1948.—xx, 311 pp. $3.00.

This is an important and timely book. It might have been called a "Report of the State of the Social Sciences". The project was suggested three years ago by the present executive heads of the Social Science Research Council and the Carnegie Corporation. It has been carried forward with the help of these two, and of some seventy-five other representative men, by means of a questionnaire, of interviews (individual and group) and of correspondence. Finally, it represents extensive and well-guided reading by the author. Thus it has been far from a one-man undertaking.

I admire the sagacity of the two men, with whom the idea originated, in their selection of Stuart Chase as the man who ought to do the job. In the last thirty years or so Chase has become something

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of a national institution. Starting as an advocate of reforms, as he himself says, he has found that "some of his aims were unachievable, and most of his means were unworkable." And that has made him a convert to scientific method, because if we were guided by such method, "we might really get something done" (p. 260). So Chase's old zeal for human progress continues. It is merely redirected along more practicable lines. When he first undertook this task, the author says, it seemed to him to be beyond his powers. The late Wesley Mitchell encouraged him. In effect, Mitchell said, "Be yourself." That was good advice, and it has been well followed. As a result, we see here again his peculiarly free and fresh outlook, which enables him to escape bias and pedantry; his native shrewdness—sometimes astuteness—in evaluations, criticisms and suggestions; his extraordinary lucidity and charm and wit as a writer. Since such an undertaking "could not be the work of a great specialist nor yet of a complete outsider" (p. xvi), it seems to me that the combination of Stuart Chase, as author, with his selected group as expert advisers, has proved an ideal one. The author thinks it "has been an early and perhaps a brash attempt" (p. 305). *I think not.*

The joint product is an authentic and just appraisal of the present state of these so-called sciences—namely, cultural anthropology, social psychology, sociology, economics and political science. The author seems to think it is a book for "the intelligent layman". The publishers issue it as a textbook in sociology. In my judgment it is much more than either. It is a wholesome sermon for all social scientists; it recounts many of their sins of omission and commission; it praises some of their good deeds; but, above all, it shows them the way to salvation. For social scientists it should be required reading. I think it will also be wholesome reading for natural scientists; for these, as the author says, "when they leave their chosen mountain and make judgments about other matters. . .can sound just as foolish as anybody else" (p. 23).

Since the book itself is eminently readable, should be read, and can be read in an evening or two, it is better not to try to substitute a summary. But, by way of appetizer, I may say that the appraisal takes three main lines. One deals with our sins. Generically, the individual sins are "theory trouble", "unverified hypotheses", or those which "no longer fit modern society", and the absence of objective investigation. Economics and political science are now the chief sinners in these respects. The collective sin is that "the social sciences in America have been divided into tight compartments with little interchange of ideas" (p. 6). But "human society is all of

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a piece and a genuine science must treat it so"; "we cannot tear this living fabric apart" (p. 200).

Far more emphasis is placed on specified virtues, which are demonstrated by several samples of recent achievements. In essence, these are all the results of new techniques—chiefly the collection of data from controlled observation and from interviews, the measurement of these data, and the derivation of some tentative hypotheses therefrom. But in two interesting instances Chase points out how social scientists may be furnished with a laboratory. When an expert is called in as adviser or administrator he may have an opportunity, in certain cases, to conduct a controlled experiment: thus Flanagan, when handed the problem "How to design a pilot" for the A.A.F., and Leighton, when faced with the problem of how to prevent a human bomb from exploding, at Poston, Arizona.

The third main line suffuses the whole book. It expresses an optimistic faith that we have at last found the way of salvation. One correspondent laments: "We have been at it so long, and worked so hard, and produced so little" (p. 55). Chase thinks it is not "so long". "The social scientists have only recently forsaken authority, intuition, and pure logic for the harder road of observation, deduction, and verification" (p. 285). Nor is it "so little". That may be the way it looks to the workers in the field. "No one is more keenly aware of the gaps in their knowledge than the social scientists themselves. Their humility seems to increase with their attainments" (p. 297); and, "the men who know the most assert they know nothing at all except under rigorously limited conditions" (p. 13). But it is Chase's judgment that "in the last twenty-five years it is probable that more dependable knowledge has been acquired about human behavior and human relations than in all previous history" (p. 284). Even in the more backward social sciences, economics and political science, the author finds cases "of good sound observation followed by excellent practical techniques" (p. 294). This is the first step which Wesley Mitchell required—"exhaustive observation of what is actually going on as a necessary condition for the formulation of theory" (p. 201). But it is only the first step; for the cases cited are, as yet, "lacking theoretical foundation," and "science cannot progress without constant transfusions of theory" (p. 295).

In fine, if "the aim of social science is to cut through the myths and illusions, and see truly how things are out there in the real world" (p. 301), considerable progress has been made. "President Conant of Harvard has no doubts about the coming of age of social science", and Conant says, "But it is the future which is exciting" (p. 288).

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It will certainly be exciting if we can even begin to formulate scientific answers to the questions Chase poses in his final chapter.

One may think that a review which refrains from criticism is no review at all. But I find that my only criticisms are so mild and concern such minor details that they are not worth mentioning.

C. REINOLD NOYES

NEW YORK, N. Y.

The Reconstruction of Humanity. By PITIRIM A. SOROKIN. Boston, The Beacon Press, 1948.—xii, 247 pp. $3.00.

Western man is sliding to destruction because his culture, social institutions, and personality are *sensate.* Believing "that the true reality value is sensory and that there is no supersensory reality value," he struggles fiercely for the values of this world—things in limited supply—and war is the inevitable consequence. All current schemes for getting him out of his troubles are worthless or less than worthless —the quack remedies of quack doctors—for they deal with symptoms not causes. There is only one solution. The existing sensate order must give way to an *ideational* order. Man must come to understand that "the only true reality value is God." Then he will have peace—both of mind and of body. For the values of the Kingdom of God are infinite and inexhaustible; the quest for them cannot lead to egoistic conflicts.

Such is Professor Sorokin's thesis. The curious emptiness of the book, which declares it, can be understood only if the book itself is viewed as a prospectus—an account of the chief features of Professor Sorokin's forthcoming work, circulated for the purpose of obtaining financial support. That the book is in fact a prospectus can be readily shown. In the Preface we are told that it "is a nontechnical introduction to a series of technical researches carried on at the present time by the author in co-operation with a few eminent and young scholars. Though each of its main statements can be backed by a vast body of evidence, most of this together with the large array of relevant literature is omitted, so as to make the book available to intelligent lay readers. The full body of evidence and literature will be presented in special publications of the technical researches mentioned." Later on we discover that "these publications will deal with the paramount problem of humanity at the present time"—how to increase our knowledge "of the methods and techniques necessary to render ourselves and others less selfish and more altruistic." Then we learn that "for the sake of man's very survival, the governments,

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foundations, universities, private endowers of research funds, and science itself must shift the bulk of their resources and activities" to the study of this paramount problem. Finally, in a footnote to page 235, we are directly solicited to send "a contribution to Harvard University to be applied to the research conducted by P. A. Sorokin and others."

For the high tone of the book—its insistence upon establishing, and upon establishing all at once and in spite of all opposition, everything which the author's idea of perfection seems to require—we must seek another explanation. "The man of system", wrote Adam Smith, "is apt to be very wise in his own conceit, and is often so enamored with the supposed beauty of his own ideal plan ... that he cannot suffer the smallest deviation from any part of it." Professor Sorokin is a man of system. Idealizing a culture compounded of his own notions of the cultures of medieval Europe, Brahmanic India, the Buddhist and Taoist East, and Greece from the eighth to the end of the sixth century B. C., he can tolerate no departure from it. The modern West is bad because it is not the ancient East. The plans of the "social doctors"—whose "quack cures for war and impotent plans for peace" aim only to change a segment of the social system—are vicious because they neglect the decisive factor of altruism and love. Unless his own plan for the personal, social and cultural transformation of man is realized in its entirety, "new wars and other catastrophes will inevitably ensue, and inglorious self-destruction will terminate the creative career of humanity."

It is difficult to comment upon a diatribe. We may observe, however, that Western man is not so selfish as he is represented. It is a medieval doctrine, set out in Chaucer's *Parson's Tale*, "that there as God hath ordeyned that a regne or a contree is suffisaunt to hym-self, thanne is it honeste and leveful that of habundaunce of this contree that men helpe another contree that is more nedy"; but the application of this doctrine on a large scale has awaited the twentieth century and the E.R.P. The unrelieved blackness of Professor Sorokin's picture of the modern West is largely the consequence of his method. By representing its every aspect as wholly vicious, which is so in any degree and in any direction, and by comparing it with a standard of ideal perfection which no society ever has or ever can come up to, he makes out very little about it that does not appear blamable. Had he recognized that every human institution and passion is a compound of good and evil, had he used as his standard of comparison that degree of perfection which is commonly attained by actual societies, he might have found more to praise.

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We may also question the validity of Professor Sorokin's comprehensive attack on the plans of others. It may be true that none of them aims at a general reconstruction of humanity, but in the present state of the world it may very well be that a partial plan (such as the United Nations) which can be put into immediate operation is to be preferred to a general plan, the detailed drawings of which must await the completion of years of research into "the superorganic energies of man." It may be true that none of these partial plans takes sufficient account of the factor of love, but most of them take *some* account of it, and an uncharitable critic might retort that the objection of omission comes with an ill grace from one who utterly ignores every virtue but benevolence and whose system, if it could ever be accomplished, "would be pernicious to society, by putting an end to all industry and commerce, and in a manner to the whole business of human life."

Finally, we may ask whether Professor Sorokin's altruistic, ideational order, as it might actually be realized, would in fact be more peaceable than the present order. The ideational orders of the past have not been notably more peaceful than the sensate orders of the present, and, if they have killed fewer men, the defect may be due to the inferiority of their numbers and of their weapons rather than to their greater unselfishness. Besides, altruism is not synonymous with good nature. Professor Sorokin's own attitude—the ease with which he denounces scientists as murderers and evildoers, the complacency with which he contemplates the expropriation and even the assassination of the "rich men" who might oppose his schemes—is a proof that men are not always content with the generosity of offering good bargains, but, when they are refused, are apt to become choleric.

Princeton, N. J. Lucius Wilmerding, Jr.

Rebuilding the World Economy: America's Role in Foreign Trade and Investment. With the Report and Recommendations of the Committee on Foreign Economic Relations. By Norman S. Buchanan and Friedrich A. Lutz. New York, The Twentieth Century Fund, 1947.—xiii, 434 pp. $3.50.

As the title and the subtitle of this book indicate, its authors assigned for themselves a very difficult and ambitious task which on the whole they have fulfilled satisfactorily. The results of their findings are well summarized in the last chapter, where the three main difficulties standing in the way of an early and lasting reconstruction of international trade and international investment are discussed. These

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obstacles are: ideological and political disharmonies; special problems growing directly out of the war; and finally the lack of favorable conditions for multilateral trade in the long run.

Under the first category fall differences among democratic nations, the trend toward nationalization, and the cleavage between the Western democracies and the communist states. With regard to the "transition" problems the authors cite the following conditions as necessary for a return to multilateral trade and free exchange markets: relief, capital imports in order to achieve reconstruction in war devastated areas, a solution of the British debt problem, adjustment of the existing structure of foreign exchange rates, and finally the stopping of inflation in the countries participating in international trade. Finally a system of multilateral trade and free exchange markets presupposes that the members of the system accept certain rules of the game in international trade. Serious depression must be avoided and political stability must be achieved. A stable American economy would be a major contribution to international stability. International agencies should help to formulate and carry out a contracyclical policy if a coördination of national employment programs would not succeed. The last sentence of the book reads: "The problem of the future international trade thus merges with the international political program; the two are today inseparable." These conclusions reflect the views now generally held with respect to the rebuilding of world economy, particularly of international trade. They are sound, realistic, and should meet with approval. But a new world economy and system of international trade will substantially differ in structure and pattern from the pre-war and even more from the pre-1914 system. Moreover, the process of reaching what might be called a world economic system and a well-working organization of international trade will be long and difficult.

Messrs. Buchanan and Lutz base their conclusions on a comprehensive yet not always very detailed examination of the many problems falling into the scope of the study. A brief survey of world economy in the pre-1914 period is presented. There are some interesting parts dealing with the international economy in the inter-war period, marking the main trends which became dominant, especially in the thirties. The United States position during this time is analyzed in more detail. The impact of World War II on international economy is examined at some length. Special attention is given to the changes in the balance of payments of the most important countries; and it is appropriately stated that the usual causal chain connecting national income, imports and exports in a price and

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market economy was broken, leaving a remarkable carry-over of international debts that must be written off or otherwise disposed of.

To restore international trade on a multilateral basis the new resource patterns and new national price structures must somehow be reintegrated. The spread of industrialization during the war is illustrated by various not always representative examples. The conclusion drawn is that the real changes in comparative advantages have typically been in the almost opposite direction from that which the wartime financial shifts would require. It is clear that the wartime changes present a tremendous adjustment problem.

Dealing with the post-war problems the book focuses on the balance of payments, economic development, international investment, and the dominant rôle of the United States. Evidently the needed readjustment between claims and trade-flows constitutes one of the main difficulties in the effective reconstruction of international trade.

The case of Great Britain is given special attention. The analysis itself, however, is not exhaustive enough, as it deals mostly with the problems of balance of trade and balance of payments and does not dig deeper into the whole economic policy and economic structure of the United Kingdom. In connection with the balance of payments, the question of foreign exchange rates, monetary problems and inflation is examined. Once more one feels that some of the problems, such as the post-war world-wide inflation and the machinery of the International Monetary Fund would deserve a more detailed treatment. International lending and investment are discussed more thoroughly. The authors state rightly that government lending will increase and that much of international lending will be of a type that would have appeared unnecessary and indefensible two decades ago.

The parts dealing with economic development and industrialization are particularly good. The study shows clearly that there is no easy way to a rapid economic development and quick increase of the standard of living. It also shows that only a small part of the needed development can be carried out with the help of foreign investment. A more detailed investigation of the expected effects of industrialization on the trade and economic position of the advanced countries should be made.

Discussing the trade policy, the book supports the basic principles outlined in the United States proposals of the I. T. O. Charter. This reviewer, who attended last year's I. T. O. Conference in Geneva, cannot fully share the optimism expressed in this study. In international foreign trade policy as well as in international investment,

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the United States will occupy a dominant position. The authors emphasize correctly the importance of full employment in the United States for international trade and point out repeatedly that the United States balance of trade must be adjusted to the position of this country as a leading creditor nation. Here, too, a more elaborate analysis of the long-range prospects of the United States balance of trade would be useful.

As is evident, this book encompasses many of the vital problems of world economy. When reading it, one must realize that the volume was completed in June 1946, and that since then many things have happened which the authors could not foresee. It is clear that they have underestimated the difficulties of the economic reconstruction of Europe; and a statement that, for instance, "Some other countries such as France and the Netherlands already possess substantial dollar balances" supplies evidence of the optimism which perhaps prevailed at the time when it was written. On the other hand, although the key position of the United States is often underscored throughout the book, the reader might sometimes get the impression that the vast importance and enormous potentiality of the United States economy were not fully taken into account. The following sentence could certainly be misleading: "Thus the two principal prewar creditor nations [Great Britain and the United States] were probably no longer creditors at the end of World War II. Each of their accounts on the international ledger showed debit balances." If one compares the respective figures at present one sees the basic difference between these two countries. In a work of this kind it would have been appropriate to explain the nature of a country as a creditor or debtor with special emphasis on what makes a country a creditor nation. This reviewer also misses an analysis of the dollar shortage, of its reasons, implications and remedies. Sometimes various factors in the international economy are taken for granted and are approached with a fatalistic attitude. This is also true of the dollar shortage, so often discussed. In the impact of World War II the changes in comparative advantage, together with various national policies, account to a substantial extent for this phenomenon. It is, however, not helpful to the process of rebuilding international economy if the roots of various disturbances are not clearly seen and the basic remedy not tried.

The scope of the book is so wide that it was impossible to deal with all important problems or to investigate thoroughly all their aspects. Nevertheless, the study, which also contains a great many interesting and useful tables, is highly informative and should stimu-

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late further thought and work in this particular field. Another of its merits is that it shows the great need of studies dealing exhaustively with the new changing pattern of world trade, with the problems of agriculture and population pressure—and with the fundamental problem of what kind of world economy we can expect.

Attached to the book is a "Report of the Committee on Foreign Economic Relations" which was appointed by the Trustees of the Twentieth Century Fund.

The Committee, whose Chairman was Professor W. Riefler, concentrated, in its very eloquent and concise report, on conditions required for the reëstablishment of international trade on a multilateral basis. It states that "once rehabilitation has been completed the major obstacles to the creation of a multilateral trading system will have been removed." In order that such system might operate successfully it will be necessary to increase United States imports and to provide adequately for the international institutions that will be required to buttress economic stability at a high level of employment. In particular, the Committee recommends that the International Bank should operate to counteract the volatility that normally characterizes foreign investment, and that an international buffer stock agency should be created to operate directly toward stability in the world markets for new materials and prime commodities. In addition various measures are suggested in order to increase United States imports, and the decisive rôle of the United States in all efforts toward organizing world economy is underlined.

The report undoubtedly represents a good starting point for action in an extremely difficult field where so much will also depend on political circumstances.

ANTONIN BASCH

WASHINGTON, D. C.

Cartels or Competition?: The Economics of International Controls by Business and Government. With the Report and Recommendations of the Committee on Cartels and Monopoly. By GEORGE W. STOCKING and MYRON W. WATKINS. New York, The Twentieth Century Fund, 1948.—xiv, 516 pp. $4.00.

In 1946 The Twentieth Century Fund published a volume of case studies of leading international cartels by Messrs. Watkins and Stocking.[1] In the present volume the same authors draw upon these

[1] *Cartels in Action,* reviewed in this journal in vol. LXII, No. 3, September 1947, pp. 445-447.

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case studies in presenting both an analysis of the effects of cartels upon economic adjustments and stability, and an examination of alternative approaches to an American policy toward cartels. The final chapter consists of a report and recommendations on the cartel question by the Fund's Committee on Cartels and Monopoly.

Cartels or Competition? achieves by the breadth of its documentation and the sureness of its analysis an impact which cannot fail to be felt by American policy makers and by other students of the cartel question. This prediction is based on a judgment that the authors have been uniquely successful in orienting the cartel movement within the context of the present-day contest between competitive forces and those of collective action and of economic restrictionism, that they have respected the distinction between economic analysis and policy judgment, and that in their application of economic analysis they have reduced the barrier which has commonly protected the institution of the cartel from the curiosity of many economists adept in the theories of monopolistic competition and in Keynesian analysis.

It is this broad orientation which explains the book's title. Cartels are conceived to include not only private producer agreements but intergovernmental commodity agreements and state monopolies as well. Part of the strength of the study derives from its clear presentation of the similarity of causes to which these various collective devices are responses. The causes lie in irregular overexpansion and underinvestment associated with private competitive activity, in maladjustments between productive facilities and consumer demand bred of two world wars, and in drives for national self-sufficiency inspired by craving for economic insulation and military security.

All agreements in the cartel form may be so explained. A principal distinction to be made among them is that between the governmental cartel and the private. In the former case the object of cartelization must be the advancement of national welfare, however conceived; in the latter case the object is unlikely to reflect any public interest except incidentally and is most likely to run counter to the general consumer interest, among others.

The main argument runs as follows: the strategic characteristic of the cartel is its restrictionism. It seeks to avoid the risks associated with competitive pricing and struggles for markets. Its method is output restriction and market sharing, the first to support prices and incomes of the protected industry, the second to protect the relative positions of its members. Its effect is to freeze the production maladjustments of the past and impede expansion.

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The limitation on expansion arises from greater resistance to technological change than would occur under competitive conditions, restrictions on output from existing facilities, and a distortion of the income pattern in favor of producer-owners at the expense of workers in the protected group and all elements outside of it.

One of the most interesting chapters is the seventh, "Cartels and Economic Stability". Here the authors integrate recent analyses of the effects of cartel activity upon savings and investment. They join in the Keynesian insistence on the strategic importance of new investment for the attainment of high-level employment, but they properly expose Keynes's underestimation of the retarding effect of monopolization. They throw new light on the determinants of new investment under cartelization, arguing forcefully that the marginal efficiency of calculus of capital and rate of interest is inadequate to deal with monopolists' concern with the protection of a vested position.

Their findings on the effects of cartel policy upon economic stability are weighty but not novel. Cartels achieve a degree of price and income stability for the protected group at the expense of heightened instability for the unprotected ones. Those economists who have little faith in a policy of increasing price flexibility in all possible segments of the economy may not be able to support the arguments presented on this score. Certainly the effects of a combination of flexible with inflexible pricing areas require further examination than the authors are able to make here.

An examination of the likely effects of alternative approaches to a national policy toward cartels follows the analysis high-lighted above and provides a framework for the Committee's recommendations on policy choice. The examination is incisive, and its sweep is thorough. The authors and the Committee are in general agreement that if the United States wishes to promote full employment and economical utilization of resources at home in an environment of freedom, to promote world-wide economic recovery and then continued international prosperity, it must choose the difficult course of encouraging investment expansion under competitive conditions. Such a course involves reducing such aids and comforts to monopoly as tariff barriers and patent fences, encouraging competitive elements, and facilitating the movement of workers and capital out of declining industries. However difficult it may be to implement such a program in detail, and the authors have suggestions to make, its adoption is viewed as necessary not only for the direct stimulation of expansion, but as a sign to other countries that they may accept our proposals for freer

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world-wide trade without risking disadvantages vis à vis our domestic monopolies.

The authors' case for revitalization of competition is based upon a distinction between the competitive *process* of market adjustment, in which they see the possibility of great efficiency at little general cost, and the *policy* of laissez faire, which is really "the lack of a deliberate social policy for maintaining the conditions indispensable to genuine freedom of enterprise and salutary competition" (p. 376). One of the distinctive features of the book is its elucidation, historically and logically, of the mutual interdependence between competitive markets and a dynamic economy.

A third volume by Messrs. Stocking and Watkins on domestic monopoly is promised for 1949. It will be interesting to see if they follow their present method of de-emphasizing the differences in *form* which restrictionism takes and stressing almost wholly the universals. If any question may be raised concerning the definitiveness of the present study, it is perhaps that the internal dynamics of cartelization, for example, the progress from lesser to higher degrees of restrictionism, might be more clearly exposed by closer examination of the different courses of development of unified managements on the one hand and combinations of separate producer interests on the other. For the purposes of understanding and control, such discrimination would appear to be valuable. But it would be a warped judgment which could end a review of the present volume on any note but that of high praise.

DONALD W. O'CONNELL

COLUMBIA COLLEGE

Income, Employment and Public Policy: Essays in Honor of Alvin H. Hansen. New York, W. W. Norton and Company, Inc., 1948.—viii, 379 pp. $4.75.

The influence of Alvin Hansen on the economic thinking of our time is generally acknowledged by all schools of thought. This volume of sixteen essays by his former students and close associates is a fitting tribute to one of the most stimulating thinkers on current economic policy in the United States today. These essays also present an unusual opportunity to appraise the current status of economics. Among the contributors are many of the best-known younger economists of the country. This volume is not, however, written for the layman. Most of the essays assume familiarity with modern economic

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terminology and concepts and many require the use of higher mathematics.

The popularization of the principles of Keynesian analysis and their application to issues of public policy form the basis for the wide appeal of the work of Hansen and many of his students. The penetrating logic of Keynes was amplified and modified by Hansen and his group to apply to the problem of continued unemployment in the 1930's. This collection is heavily weighted by a "propensity to assume" that, in spite of current boom conditions, stagnation and unemployment will again be our lot in the near future.

Most interesting from the point of view of the economist are the six opening essays on the "Determinants of Income". In these studies the limitations of current economic analysis are explored, and the need for more intensive testing of many of the hypotheses taken for granted in the past is revealed. Several essays make a real contribution to the understanding of the forces affecting the level of economic activity. This section is, however, highly specialized and does not attempt the sort of generalization necessary for the purpose of policy formation.

The remaining essays are divided into two groups: the "Social Setting" and "Economic Policy". On the whole, the problems of implementation and the effects of alternate stabilization policies on the future political, social and economic institutions of the United States are neglected. This severely limits the usefulness of policies suggested and prevents any real appraisal of the advantages of different means of attempting to solve common problems. The Employment Act of 1946 has committed the United States to use all possible means to achieve stabilization. It has not committed us to the use of any particular methods of attaining our objective. Success or failure will be determined as much by the political and administrative policies followed in the future as by the purely economic reforms attempted. Until these considerations are brought into the picture, policy recommendations will be tentative and carry little weight with the policy maker.

The weakness of much of the more popular neo-Keynesian position is illustrated in the essays by Sidney Alexander and Abba P. Lerner. Alexander reviews the basis for the opposition to deficit spending by business men and finds that the most important reason is the business man's fear that deficit spending will increase the rôle of government and make business subservient to government. He concludes that this fear is well founded, but suggests that it is futile or even somewhat ridiculous to oppose the trend. Lerner uses one of the keenest,

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logical brains in the field to show how the management of the public debt would become relatively easy if the principles of "functional finance" were applied. Unfortunately, the application of these principles assumes either a Lerner at the controls or a utopian political system. It is doubtful if either event will occur in the near future.

The range of topics covered in this collection reveals the extent to which the influence of Hansen has spread beyond his original emphasis on fiscal policy. It also suggests that the division between Keynesian and more traditional analysis is disappearing. This is encouraging, because it will add to the value of the work of both those who emphasize the aggregative income approach and those who are concerned primarily with the explanation of the forces determining individual or firm decisions in the market.

One may conclude that the work of Keynes and Hansen has served the very valuable purpose of directing the energies of some of the best men in the field toward the solution of the complex problem of stabilization policy and the use of government as an effective instrument of controlling fluctuations in income and employment. Progress has been made; but the hope for a satisfactory solution of the problem requires greater understanding than we have yet achieved.

PAUL J. STRAYER

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The Law of the Soviet State. Edited by ANDREI Y. VYSHINSKY. Translated by Hugh W. Babb. Introduction by John N. Hazard. New York, The Macmillian Co., 1948.—xvii, 749 pp. $15.00.

This is one of the books "translated under the Russian translation project of the American Council of Learned Societies" and it is, indeed, an extremely valuable addition to our knowledge of the Soviet Union. Professor Hazard, in his able Introduction, directs our attention to the fact that this is the standard textbook on Soviet Constitutional Law, published in 1938, and that, while Vyshinsky appears merely as the editor, he is known to take "great care with any manuscript on which his name appears".

Five principles stand out clearly in the book. (1) The post-Trotskyite historiography is fully endorsed. (2) All non-Bolshevik theories of the state and of law are thrown into one counter-revolutionary pot. No distinctions are made within the non-Bolshevik forms of state and law, the only discernible distinctions being the variations of the invectives hurled at them. (3) From this follows the insistence on complete and total originality of the Soviet state, of

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Soviet law and jurisprudence which owe nothing to the intellectual history of mankind. (4) The Soviet state, law and jurisprudence, in all their manifestations and down to the last detail, are Marxist-Leninist in character. (5) The book reveals an almost childish pride in the achievements of Soviet constitutional theory and practice, a pride that does not permit the slightest criticism.

These five principles are most clearly discernible in the Introduction (chapter 1) but run through all the other chapters. It is in the first two chapters, however, that two tendencies become most apparent: the elevation of Stalin to the rank of the supreme revolutionary leader and the outstanding Marxist theorist, and the compulsion to press the most detailed and accidental decisions into the Procrustean bed of Marxian theory.

The characteristic that allegedly distinguishes the bourgeois from the Soviet state are the soviets. In writing their history and analyzing their rôle, Vyshinsky merely follows Stalinist historiography. The discovery of the soviets as organs of government is attributed to Lenin who, however, as the quoted articles show, saw in them instruments for conducting the civil war and not the prime agents of the workers' state. His concentration on the party as the revolutionary vanguard excluded his giving to the soviets an equal weight with the party. It is also quite clear from Vyshinsky's discussion that the soviets were by no means considered spontaneous revolutionary organs of self-government, but instruments through which manipulation of the population by the Communist party could best be achieved. This historiography does not, of course, permit the correct evaluation of Trotsky's doctrine of the permanent revolution, developed as early as 1905 and accepted in part by Lenin as late as December 1917.

The crucial theoretical problem posed by Vyshinsky may be formulated as follows: How can the dictatorship of the proletariat and its form, the Soviet state, be reconciled with a theory that insists on the ultimate abolition of the state? Vyshinsky does not tire of singing the praise of the Soviet state. Even if we assume—and it is a very dubious assumption—that Marx and Engels insisted on a proletarian dictatorship as the necessary transitional stage to a classless and stateless society, it is very difficult to see how the continuation of the proletarian dictatorship and of a Soviet state can be justified for a society where allegedly "all the exploiter classes were liquidated" (p. 116). According to Vyshinsky and current Bolshevik theory, there are but two classes in Soviet society: workers and peasants. These, moreover, are allies, and do not rule and exploit each other. Consequently, other justifications for the Soviet appear: capitalist encirclement and

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the inadequacy of the productive resources. These facts make necessary the construction of coercive machinery for external security and for making people work. But the mere fact that such external apparatus is deemed vital plays havoc with the democratic doctrine of the Soviet state, a doctrine which asserts, in Rousseauist terms, the total identity of the individual interests of the Soviet citizens with the general will. It is difficult to see how a state machine can be justified if the alleged identity of nation-class-party-leader (p. 172) is a reality.

Once the state is accepted as the highest form of Soviet life, those who—like Pashukanis—actually believed in the doctrine of the withering-away of the state had to be purged. According to the dialectics of Stalin-Vyshinsky, the state is the highest manifestation of Soviet society; it will wither away in the communist age but only after its "maximum intensification" (p. 62). Vyshinsky therefore attempts to redefine the absolute necessity of the state as the instrument for the organization of society and to denounce as wreckers all those theorists and lawyers who took their Marxism seriously.

In treating the problems of Soviet law—the relation of the state organs to each other, the relation of state and society, and the relations of the citizens to each other—Vyshinsky is crude, primitive and traditional. Yet on almost every page he insists on the complete originality of Soviet jurisprudence, culminating in the fantastic statement: "The Stalin Contribution for the first time elevated the right to defend oneself [in a trial] from a procedural into constitutional principle" (p. 519). This insistence on Soviet originality is not merely the manifestation of a childish pride in each and every achievement. It is also politically necessitated by the opposition of the purged Pashukanis school. That school was not only "crowding out the law by the plan" as Vyshinsky puts it (p. 202), but insisted that law being law must be viewed as a capitalist remnant, and not as a device germane to a socialist society. For Pashukanis, law is that form that regulates the intercourse of "isolated, egoistic individuals", while the state protects this system. The retention of state and law thus indicated the nonsocialist character of Soviet society. Law for that school is thus the same whether used in a bourgeois or in a Soviet state. Vyshinsky's insistence on the originality of Soviet law and jurisprudence thus serves a double purpose: to justify state and law and to present them as something radically new, having nothing in common with bourgeois forms and theories.

As a matter of fact, however, Soviet constitutional and legal theory are indistinguishable from so-called bourgeois and social-democratic

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theories. To be sure, the social and political functions are different. But if one accepts, as does Vyshinsky, law as a specific form of social organization and jurisprudence as a specific academic discipline, then the specific character of law and of jurisprudence must be defined before one analyzes the social rôles played by them. What Vyshinsky does is, indeed, a very old trick. He is fully aware, and the references to the doctrines of scores of continental constitutional lawyers show it, that the basic conceptions of Soviet constitutional law are those developed in centuries of legal thinking and yet, by simply stressing that they serve a different social purpose, this continuity is deliberately obscured.

The lack of originality in Soviet law and jurisprudence is clear to anyone familiar with the history of continental European constitutional history. Soviet constitutional forms are those of the period of enlightened despotism, regardless whether the despot is the omnipotent legislative assembly or the monarch. This is best expressed by the prohibition against interpreting statutes and the granting of this power to the Presidium of the Supreme Soviet, a kind of *référé législatif*. His conception of sovereignty is traditional (p. 275); and, being traditional, he runs, in his analysis of federalism, into the same conceptual difficulties which had to be faced especially by the German constitutional lawyers. Does sovereignty reside in the states or in the national government? This familiar problem is solved by a neat dialectical trick: the sovereignty of the one conditions the other (p. 277). The allocation by legislative powers between the national and the state governments follows traditional patterns, borrowed freely from outside, including the Weimar Republic's *Grundsatzgesetzgebung*. While the doctrine of the separation of powers is rejected, the division of the three functions is even more rigid than in "bourgeois" states, and the treatment of the relationships between legislative, administrative and judicial powers is so old-fashioned that Montesquieu appears as the most modern source of inspiration.

This is by no means surprising. There are but a few types of state, forms of law, administration, and court organization at the disposal of policy makers. The range is thus limited; variations can be achieved only by the mixing of the known forms, not by the creation of totally new forms.

Vyshinsky's method is equally traditional. It is a combination of the sociological and analytic (so-called dogmatic) methods of jurisprudence. The first is associated with Georg Jellinek and Karl Renner (Joseph Karner), both, therefore, being vituperatively attacked; the

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second found its most perfect manifestation in the writings of the German Paul Laband who is, of course, equally derided. If Laband had to write a textbook of Soviet constitutional law he would probably have produced a book very similar to that of Vyshinsky, but, of course, more intelligently and sophisticatedly written. Moreover, the similarity between that school and Vyshinsky goes deeper. When Laband wrote his famous constitutional law of the German Empire, the basic political and social facts about Germany were not mentioned. The Junkers, business, the political power of the army, and so on, were, according to Laband, not legally relevant facts. Vyshinsky likewise omits a treatment of the decisive elements in Soviet constitutional life: the Communist party and the secret police.

One may ask why a totalitarian state where monopolistic power is securely lodged in one institution should build up such an elaborate structure of Soviet legality. It is not simply propaganda which induced the Soviet system to go to such lengths. Nor is it the desire to protect individual rights, as Vyshinsky wants us to believe. While constitutions of the twentieth century are, on the whole, mere pieces of paper revealing little of the reality of a political system, they still do mean something. Soviet legality serves as a check upon encroachments of Soviet organs into the jurisdiction of other Soviet organs. Soviet legality is thus a protection of the Soviet state and its rulers rather than of its citizens. The protection of the ruled cannot be sought in Soviet legality but rather in social and political realities of the Soviet systems.

FRANZ L. NEUMANN

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Stalin and German Communism: A Study in the Origins of the State Party. By RUTH FISCHER. With a Preface by Sidney B. Fay. Cambridge, Harvard University Press, 1948.—xxiii, 687 pp. $8.00.

An active leader of the Communist party of Germany from 1919 to 1926, Ruth Fischer has written a detailed account of the emergence of the party, its hesitations between the direct march to power and reliance upon parliamentary tactics, and its growing dependence upon Soviet interferences and dissensions. The author has made full use of contemporary materials, at least in German; when there is a choice of sources she has relied upon published and citable accounts rather than her own recollections. Miss Fischer covers much ground made familiar by the studies of Arthur Rosenberg, Borkenau, Souvarine

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and Trotsky, among others, and has added only incidentally new details of the process by which Communist parties abroad became Soviet "state parties".

Miss Fischer is at her best when she describes the crosscurrents of German revolution in 1919-23, the impact of the Soviet N.E.P. upon German tactics, the Radek policy of promoting "National Bolshevism", the growth of central control within the German party, and the interplay of German and Soviet Communist struggles for power within the two parties and the Comintern. Unfortunately, many concrete situations which only Miss Fischer could have described have been passed over, to the loss of the student. When she describes how, during her visit to Moscow in 1923, "the fate of the Soviet state, the affairs of the Russian party, were discussed with relative freedom in the Comintern and criticized with ignorance and crude naïveté . . ." (p. 240), the reader can only regret that she failed to report more fully the concrete application of the early Bolshevik thesis that the interests of the Soviet state were subordinate to those of world revolution.

Recalling Radek's "Schlageter speech" of 1923, Miss Fischer hints that decisions in the Comintern were preceded and enforced by a caucus of the Soviet Politbureau. She remarks that "at this time the strict discipline of the Russian Politbureau in the Comintern had not yet been weakened. . ." (p. 273). Again, no details on the real exercise of power over and through the Comintern organs. The statement that the German party's swollen bureaucracy, after 1923, could be supported "only with substantial financial help from Moscow" (p. 441) leaves unanswered many queries concerning amounts, sources, channels and use of funds, despite a reference to their being controlled by Wilhelm Pieck (p. 445).

It is difficult to define a basic theme in this book. Is it that German communism, though a minority party at home, should have had an equal share with the Soviet party in deciding both Soviet state policy and German party tactics? Or that German communism should have cut its organizational cord to Moscow and relied solely on its own strength and wisdom to attain power? Or that German communism should have renounced "dictatorship of the proletariat" and have become a purely parliamentary party? The only clear conclusion which emerges is that Miss Fischer regrets that the German party became a bureaucratic appendage of a bureaucratized Soviet party. Apparently the author still feels that Soviet interference in the German party was justified when it was applied in support of

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her policies. This basic indecision in the author's system of values becomes even clearer when *Stalin and German Communism* is compared with the incisive political and social analyses presented by Ossip K. Flechtheim of Colby College in his *Die KPD in der Weimarer Republik* (Offenbach a.M., 1948).

PHILIP E. MOSELY

THE RUSSIAN INSTITUTE OF
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Russia and the Russians. By EDWARD CRANKSHAW. New York, The Viking Press, 1948.—v, 223 pp. $3.00.

Four centuries ago an ambassador of the Emperor Maximilian to the court of Muscovy made one of the first attempts by a Westerner to explain the Russians. Baron Herberstein was much impressed by the autocratic power of the Russian ruler even in a day when most rulers were autocrats. But he confessed that he could not say whether it was the character of the Russian nation which had made these autocrats or the autocrats who had given this character to the Russian nation. In later times, and especially after Russia became a great Power, many Westerners have asked and tried to answer this question. Some, like Sir Donald Mackenzie Wallace, Sir Bernard Pares, Sir John Maynard and Samuel N. Harper, gave many years of their lives to this task. Mr. Crankshaw belongs to the much more numerous company of persons on whom Russia has made a deep impression, and who, more as artists than scholars, seek to convey that impression in a picture of this great people.

The value of such a picture depends less upon the extent of the writer's observation and the depth of his knowledge of Russia than upon his intuition and the quality of his mind. Mr. Crankshaw is a cultivated, sensitive and humane writer. His "picture of the Russian people, their culture and their political ideas" is provocative and skillfully drawn. But it will not be unjust to say that the lasting value of the book is rather in what it tells about the impact of revolutionary Russia on a sophisticated, Western progressive than in what it reveals about Russia.

Mr. Crankshaw begins with a chapter on "The World and the U.S.S.R." and ends with "The U.S.S.R. and the World". In the first he argues that we must either conquer the Russians or try to understand them. Since we, that is, Britain and America, believe that aggression and conquest are wrong, we must try to understand them.

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To help our understandings he tells in chapter ii, "The Mighty Plain", about the land, the people, and something of their history from its beginning to the revolution of 1917. Mr. Crankshaw answers Herberstein's question by saying that the Russian character has been molded by the Russian plain and its history. Autocracy has come from Russia's exposed position on the great Russian plain.

Chapter iii deals with the causes and progress of the Russian revolution. To the first revolution in March and the Bolshevik revolution in November 1917, Mr. Crankshaw adds a third, "the real revolution" which began before Lenin's death in 1924 and ended on June 21, 1941, when the Germans invaded Russia. In this "the greatest and most ruthless social revolution in history" he finds the explanation of the violent, arbitrary and oppressive features of the régime that all who visit Russia *see*, and the creative and indomitable spirit that all who are aware of Russian achievements before and during the war *know*.

In his analysis of Soviet society Mr. Crankshaw concludes that Soviet power, as distinct from Russian power, is the power of a new life and a new spirit which find orderly and purposeful expression in a new autocracy dedicated, in spite of some evidence to the contrary, to the betterment of the people.

In the final chapter we are advised that there is no likelihood of deliberate aggression by Russia so long as we keep strong and healthy. He adds that there is no need for heresy hunts in a strong and healthy society. It does not appear that he regards heresy hunting, which is endemic in the Soviet Union, as more than a disagreeable feature of the revolutionary process. The two dangers of war are in the ineptness of Soviet diplomacy, and a new American dogma of "private enterprise and individualism without controls of any kind."

Mr. Crankshaw makes many sweeping generalizations, some brilliant, some dubious. He neglects to take into account the effect of the possession of vast power on those who wield it. It produces inept diplomacy for one thing, but that is one of the lesser evils. Even if autocracy, as Mr. Crankshaw believes, is congenial to the Russians, its manifestations at home and abroad are still shocking and fearsome to those who have no stomach for subservience and idolatry.

A century ago a French precursor of Mr. Crankshaw made this judgment on the Tsarist autocracy of his day: "I do not say that their political system produces nothing good; I simply say that what it does produce is dearly bought."

H. H. FISHER

STANFORD UNIVERSITY

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The United States and Russia. By VERA MICHELES DEAN. Cambridge, Harvard University Press, 1947.—xiv, 321 pp. $3.00.

Sumner Welles, in his statement regarding this series of studies in the American Foreign Policy Library, says that the volumes will be "clear, unbiased, written on the highest authority". It was apparently the intention of Mrs. Dean to simplify, clarify and expound in a rational manner the various problems existing between the United States and the Soviet Union. It is difficult to see how an attempt to explain the subject simply to people who presumably have very little background could have developed into so confused a picture, with its mixture of common sense, a good moral tone, poor judgment and factual error. The tolerant reviewer must concede that the author's motives were of the best, but he is constrained to hope that some things are now clearer to the author than they were when she rather hastily set about her task. Clearly the volume does not meet the Welles specifications, even if a substantial allowance is made for the current advantage of hindsight.

It is probably very healthy for Americans to read a presentation of how our actions may appear to the Russians, and Mrs. Dean's attempt in this area is not without merit, although it discounts quite heavily the distortion involved in the Soviet official view which may arise from a wish to distort. She interprets Soviet actions and motives in the light of historical perspective and in a spirit of being entirely willing to believe that they are inspired by good will, and are simply misunderstood and improperly appreciated. She seems to ignore the seamy side of the Soviet record, and regards American policies and actions with a critical eye, frequently attributing to them a selfishness and baseness of motive which do not appear to her to characterize those of the U.S.S.R. Now and then this tendency leads her to describe Soviet moves as defensive reactions to the aggressiveness of Anglo-American imperialism. Her plea for constructive liberal democracy at home and abroad, her recognition of the moral values of Western civilization, and her solicitude for the development of backward peoples are praiseworthy indeed; this humanitarian tone contributes to the study a sense of balanced judgment which atones to a degree for the rather incomprehensible bias otherwise apparent.

The writer is rare who could resist the temptation to propose solutions to outstanding problems between the Soviet Union and the United States. Mrs. Dean's formula includes support of "liberals", including European socialists, and requires that we be sympathetic toward economic and social change, and toward the aspirations of

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colonial peoples. It also suggests that we be positive in lending support to our friends, in determining our objectives and in sticking to them, and clear in identifying our position publicly. Unfortunately this obviously sensible approach is coupled with a tendency, at least implied, to believe that the policies of the Soviet Union are somehow related to a "liberal" social and economic philosophy. This is admittedly a common error in our generation, but it may be modestly suggested that sufficient evidence to the contrary had been accumulated by 1947 to convince the objective analyst. A careful review of currently available data would also seem to indicate that it would be more correct to identify American foreign policy with the liberal *desiderata* Mrs. Dean sets forth than with the crass and unseemly image into which she molds it. To say this is not to wrap it in a robe of purity, but simply to suggest that such a presentation as hers is morbid in its self-criticism, and no service to the "liberal" cause she espouses.

It appears that the book was written in such haste that considerations of accuracy of fact were subordinated to concern over the solution of problems. A few samples in the field of economics and trade may be selected at random as illustrative. After quoting Secretary Hughes's 1921 statement on American-Soviet relations, Mrs. Dean observes that "Russia was thus excluded from the American market, where it had hoped to obtain machinery and tools . . ." (p. 15). At the bottom of the same page, there follows the remark, "the embargo on trade with Russia had been lifted in 1920, and Russia found it possible to obtain short-term credits here from private industry." The treatment of Lend-Lease matters is confused and contradictory in many respects. For example, Mrs. Dean states on page 259 that Russia furnished $2,213,000,000 in reverse Lend-Lease, which is so far from the facts as to be ludicrous. She mentions at the same time the Lend-Lease "pipeline" credit, not inaccurately, but not completely; an earlier reference (pp. 108-109) to the same item is thoroughly incorrect and misleading. There is a peculiar and incomprehensible statement (p. 38) to the effect that the United States and Great Britain were required to use the Persian Gulf route to Russia because Turkey closed the Straits; a quick check of war maps and newspaper files could clarify the facts quite simply.

It is interesting to hear (p. 261) that the I.T.O. Charter was adopted in London in 1946, and that it included a global purchase article applicable to state monopolies. It is distressing to find an excellent plea made for a liberal trade policy, involving a reduction of trade barriers, expansion of trade agreements, and the negotiation

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of tariff reductions (p. 263), which ignores the tremendous American efforts in this field and the Soviet reaction of hostility and cold indifference. The facts in this instance are certainly abundant and convincing, but Mrs. Dean's construction of the matter almost completely reverses the field. Her solution for Soviet-American trade problems includes a billion dollar loan, a common suggestion made by those who think the Soviet Union needs it and who are sure it is the way to the Soviet heart. This is a matter of opinion, but it appears to be unaffected by available facts which are not mentioned. The author sees in Russia "a huge market for the exports of other nations" (p. 209), and follows this with a judgment (p. 215) to the effect that Soviet imports will be drastically reduced as domestic production improves. Her account of Soviet bilateral agreements is reasonably accurate, but she overreaches herself in indicating that American criticism of them derives from a desire to sell American goods in eastern Europe. The treatment of economic matters is improperly documented, poorly correlated, and results in a number of misleading impressions.

A final word might be said as to her prognostications. Mrs. Dean devotes more criticism to the United States than to the Soviet Union, seeks sincerely for a solution to the problems that exist between the two countries, and places her hope in a "middle way" of liberalism, denoted chiefly by sympathy for change. Thus she hopes to see the ideological conflict between the United States and the U.S.S.R. resolved; she has said quite firmly (p. 239) that the conflict of ideas "must somehow or other be resolved before any of the concrete political or economic problems that have arisen . . . can be given realistic consideration." It is gloomy enough to think that specific problems cannot be settled unless ideological differences pass away; it is worse to ignore the fact that genuine political, economic and social "liberalism" is anathema to the Politburo, causing it far more apprehension than does real conservatism.

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The Struggle Behind the Iron Curtain. By FERENC NAGY. Translated by Stephen K. Swift. New York, The Macmillan Company, 1948.—xvi, 471 pp. $6.00.

Chosen Hungarian Premier early in 1946, Ferenc Nagy, peasant-born leader of the Smallholders party, was driven into exile in June 1947 by the combined efforts of the Hungarian Communists and

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their Russian sponsors. For Nagy this was the climax of a long story of intrigue and intimidation, during which the extreme Left took over control of a country where they had never had anything resembling a genuine popular mandate. Now in the United States, Nagy has written his account of these developments, to which he has prefaced a few chapters of autobiography, a very brief sketch of Hungarian participation in the war, and a rather detailed narrative of the period between "liberation" and his own acceptance of office. As a case study of the methods which the U.S.S.R. and the local Communist parties have also applied in Rumania, Bulgaria, Poland and Czechoslovakia (varying their techniques and their tempo to suit the local situation), this is one of the fullest and most interesting yet to appear.

The case of Hungary is unique in that it is the only country in which the Russians permitted a really free election (which the Smallholders won handily). Otherwise the process of absorption there has not been very different from elsewhere in eastern Europe: the Communists insist upon control of the Ministry of the Interior and therefore of the police; they exert ever-increasing pressure on the other parties in the coalition, particularly Agrarians and Social Democrats, until they have whittled off from each a splinter group whose members will collaborate wholeheartedly with them and which can be publicly hailed as *the* party; and, finally, they discover a dastardly Western imperialist plot involving all genuine political leaders with any following. These leaders can then be made to appear as enemies of the people, and hounded into prison, exile, or the next world. *Mutatis mutandis,* Nagy is Maniu, Petkov, or Mikolajczyk. The wonder is that this essentially simple pattern was not sooner understood or more effectively combated either on the spot by the local enemies of the Communists or in international diplomacy by the opponents of the Soviet Union.

Throughout the book Nagy is deeply concerned to justify his own conduct at every stage. Not since abandoning forever the reading of Mary Roberts Rinehart have I encountered so many "Had-I-but known-then-what-I-was-to-discover-later" gambits. Nagy is forever "outraged at the latest proof of" Communist or Soviet "infamy", and forever "amazed" at their bad faith the next time. In his effort to convince the reader that he acted in accordance with his conscience in not resigning sooner, he often makes himself appear foolish.

Moreover, this naïveté is not always disingenuous. Tibor Eckhardt, former leader of Nagy's own party, whom he calls "one of the most gifted of our democratic statesmen" (p. 91), was actually

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a prominent member of the notorious "awakening Magyars", the leaders of the White Terror after the Bela Kun interlude in 1919, and was an admirer of Hitler in the thirties. Nagy taxes the Yugoslavs with having massacred Hungarians after the German retreat in 1945 (p. 144); but he never mentions the shocking massacres of Serbs perpetrated by the Magyars in the Voyvodina in 1941, when they occupied Yugoslav territory in violation of their recent treaty of friendship with Yugoslavia. Nagy praises Hungary's own land reform, but objects to a quite similar reform carried out in Transylvania by the Rumanians, on the ground that the Hungarian minority was deprived of land (p. 144). He maintains that "Hungarians by nature take sides with the underdog" (p. 169), that "No people of the world suffered in this war as much as the Hungarians" (p. 80), and even that "We Hungarians have always treated our minorities well" (p. 201). What we have here is a total lack of vicariousness, plus much of the traditional Magyar chauvinism, wrapped up in a peasant *mystique*.

All this shakes one's confidence in Nagy's warm defense of his colleague, Bela Kovacs, whose arrest by the Russians came as the climax to their discovery of the usual alleged "plot", centering in the so-called "Hungarian Unity" movement. By Nagy's own account, members of his party in whom he had confidence did participate without his knowledge in the "Hungarian Unity" movement (p. 328). In view of the fact that these men duped him, and in view of his partisanship, the reader is perhaps justified in reserving judgment on the question of this plot.

Despite its considerable interest, then (the sections on Nagy's conversations with Stalin and on his trip to the United States in the company of the ineffable Communist leader, Rakosi, are particularly rewarding), the book is a disappointment to the student in search of facts rather than opinions. Emotionalism, color-words and vagueness leave the reader's questions unanswered. During the period after liberation, for instance, when political life was slowly getting under way again, and the parties began once more to organize and to recruit members, it is of crucial interest to know their relative strength. Nagy must know the details with regard to the Smallholders, but all we hear is that "the Smallholders also started active organization and gained a number of members within a short time" (p. 115).

This book is a sad, moving, revealing and significant personal history. It is not history.

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Soviet Economic Development since 1917. By MAURICE DOBB. London, Routledge & Kegan Paul Ltd., 1948; New York, International Publishers, 1948.—vii, 475 pp. 18*s*.; $4.00.

Maurice Dobb holds a place of particular distinction among the more radical students of Soviet economics. His *Russian Economic Development since the Revolution,* published in 1928, is by far the best study of the opening decade of the Bolshevik rule, and his two little volumes *Soviet Economy and the War* and *Soviet Planning and Labor in Peace and War,* both published in this country in 1943, are informative and suggestive. In view of the author's previous performance, *Soviet Economic Development since 1917,* a bulky monograph of nearly 500 closely printed pages, is somewhat disappointing. It is, in the main, a study of the evolution of the Soviet planned system, rather than a comprehensive survey of Soviet economic development, as indicated by the title. The book is well organized and well written. The introductory discussion of the significance of Soviet experience " to the problems of our time " is followed by an excellent summary of the salient features of the Russian economic situation on the eve of the revolution and by a more detailed treatment of the transformation of the Soviet system, from the advent of the Bolsheviks to the fourth Five Year Plan. The closing section deals with planning agencies, finance, location of industry, trade unions and the conditions of labor.

The earlier portion of Mr. Dobb's study is based largely on his 1928 book and contains much valuable information, including an admirable account of Lenin's views and of the ideological conflicts that rocked the Communist party. The subsequent chapters devoted to the analysis of the Five Year Plans are dogmatic and abstruse, and they lack the broadness of approach and wealth of significant details that one expects to find in Mr. Dobb's writings. The author, however, deserves credit for making clear the tentative character of Soviet plans and the willingness of the Kremlin to amend and revise them. He admits, regretfully no doubt, that " apparently . . . so far little has emerged (at least in published form) in the way of . . . generalised principles " of economic planning.

Mr. Dobb's preoccupation with the inner mechanics of planning is presumably responsible for the modest place he allots in his discussion to economic institutions, familiarity with which is essential to an understanding of the Soviet system. It is surprising that a comprehensive study of Soviet economic development should provide no account of the structure of collective farms, that backbone of

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Soviet agriculture. A clear picture of the administrative setup and organization of labor in the *kolkhoz* goes a long way to explain the stubborn opposition of the peasantry to collectivization. Incidentally, the liquidation of the kulaks, like the other less palatable aspects of Soviet policies, is treated by Mr. Dobb briefly and with utmost restraint.

Soviet planning—obscure, controversial, and hopelessly overwritten—is an unrewarding subject for study. The paucity of avaliable original sources compels every author engaged in this type of investigation to traverse ground already covered by his numerous predecessors. Soviet statistics are haphazard, incomplete and contradictory. The absence of an index of prices which was discontinued in 1930 because, according to Mr. Dobb, rationing and the system of multiple prices rendered such an index "largely inpracticable as well as misleading" (but why was publication not resumed after the abolition of rationing in 1935?) precludes valid comparisons of values of output officially given in either current prices or the "constant prices of 1926-1927." Mr. Dobb, in an erudite but not very enlightening digression on Soviet statistics, duly notes these difficulties, yet he draws broad conclusions from data that should not be accepted without close scrutiny. His socialist orthodoxy, moreover, invariably suggests to him interpretations that follow closely the Moscow party line. He pays, for instance, a fervent tribute to the Soviet war effort but does not even mention Lend-Lease. Mr. Dobb does not conceal, of course, the many failures of Soviet policies, especially during the formative period; his faith in the cause of socialism, nevertheless, is undaunted and he succeeds in conveying an impression of the Soviet's triumphant progress toward a predestined goal, a progress interrupted only by the necessity of defense against "fascist" aggression.

Not a few of Mr. Dobb's assertions are open to serious doubts. It is difficult to agree with him, for instance, that the Stakhanov movement "arose from the initiative of the individual workers themselves," that it "came as a definite surprise to the management," and that it "found imitators in other industries almost before it had time to be publicised." Equally unwarranted is the contention that "money does not play an independent causal rôle in the soviet system of financial planning." On the contrary, inflation in its crudest form has repeatedly played havoc with the provisions of Soviet financial plans and in December 1947 forced the drastic revaluation of the ruble.

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The Pageant of India's History. Vol. I. By GERTRUDE EMERSON SEN. New York, Longmans Green & Co., 1948.—xii, 431 pp. $4.50.

John Company at Work: A Study of European Expansion in India in the Late Eighteenth Century. By HOLDEN FURBER. Cambridge, Harvard University Press; London, Oxford University Press, 1948.—xiii, 407 pp. $6.00.

The Letters of Philip Meadows Taylor to Henry Reeve. Edited by SIR PATRICK CADELL. London and New York, Oxford University Press, 1947.—340 pp. 16*s.*; $5.00.

Gandhi's Autobiography: The Story of My Experiments with Truth. By M. K. GANDHI. Translated by Mahadev Desai. Washington, Public Affairs Press, 1948.—xi, 640 pp. $5.00.

Mahatma Gandhi: An Interpretation. By E. STANLEY JONES. New York and Nashvile, Abingdon-Cokesbury Press, 1948.—160 pp. $2.00.

During the last few years, American historians and political scientists, not to speak of serious journalists, have directed their attention to the study of the Indian nationalist movement as a major factor in the march of freedom in Asia. It is hardly necessary to emphasize that to understand the present development of a people, it is essential that one have an appraisal of their history—their struggles for survival and expansion, their cultural assets, and their contributions to the civilization of the world. There has been a very great need of a book on the history of India, from the days of the Mohenjo-daro period, which dates back at least to 4000 B. C., to the beginning of the invasion of India by Mahmud of Gazni at the opening of the eleventh century A. D. Such a book would serve as the foundation for the study of medieval and modern India.

Mrs. Gertrude Emerson Sen's *Pageant of India's History,* Volume I, fills this need. Though her excellent study is not the last word on the vast field, it is the best work so far published. It covers the history of India through the Aryan invasion, the Vedic period, Buddhist India to the Gupta period, and the years of Harsha the Great who died in 647 A. D. There are chapters on "Indian South", that is, the history of the Dravidians in India, an appraisal of Indian civilization and India's cultural expansion in all directions, especially in central Asia, southeast Asia and the Far East. The book gives some account of Indian art, architecture and music. It is preëminently a treatise

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on the cultural history of India. Written in simple style, without a footnote, it contains an excellent bibliography useful to advanced students.

Professor Holden Furber, in his *John Company at Work,* has undertaken "to tell how European expansion took place in India and to describe the consequences of the growth of European power in India at the close of the eighteenth century...." This book is not a complete history of the East India Company or how it, with its very small beginning as a trading concern seeking fortune by East India trade, became the ruler of India. The author has, however, presented some very pertinent and thought-provoking conclusions on the subject:

> ...the "united" East India Company came into existence in 1708 [the original company was organized in 1600] almost at the very moment when the death of the Mogul Emperor Aurangzeb opened a new era in India's history.
>
> During the previous century, English merchants in India had never been confronted with a formidable breakdown of local authority in the regions from which they drew their cargoes, for the authority of the Ottoman, Persian, Mogul, and Chinese empires still commanded respect. It was the decay of Mogul authority in India which forced the Company to consider exerting greater control over the lands which produced its staple import, cotton piece goods. That such decay occurred in the early decades of the eighteenth century, the very time when the French emerged as serious rivals of the English and the Dutch, is no doubt accidental (pp. 16-17).

Professor Furber's book is impressive as an example of diligent and thorough research on certain phases of the British East India Company's trade with India and the nature and extent of its competition with the French, the Dutch and Danish companies, which ultimately were at the mercy of the British. The author makes it clear that shares of the East India Company's capital stock were held widely in continental countries, by business men and others, as a profitable investment. Thus in spite of commercial rivalry the East India Company had support from certain sections of the people of the Netherlands, Portugal and Spain in extending its domination in India. The British succeeded in virtually eliminating European competitors in India trade, because of political and economic strength. Furthermore, "Britain possessed the seapower to conquer this empire and the strength to withstand the deleterious effects of imperialism when they came."

In the most important part of his work (chapter ix) Professor Furber has summarized his conclusions and presented the thesis that

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there has been too much loose talk that the "drain" of wealth from India reached vast proportions. He thinks that Brooks Adams' thesis, that this wealth in the form of the "plunder of India" supplied capital for the British industrial revolution, should be treated with skepticism. He also thinks that he has disproved the contentions of R. C. Dutt and the various conclusions regarding the poverty, famine and exploitation of India by the British, as expounded in Sir William Digby's work, *The Prosperous British India.*

By examining statistics of the East India Company's India trade for the ten-year period (1783/84-1792/93), the author comes to the conclusion that "British national gain in the whole of the India trade for the decade... may be liberally estimated at £17,828,071" (p. 316). These data, however correct, do not prove, in this reviewer's opinion, that during the whole eighteenth century or during the period between the Battle of Plassey (1757) and the Battle of Waterloo (1815), as suggested by Brooks Adams, or during the eighteenth and nineteenth centuries, as suggested by Sir William Digby, the vast wealth of India did not flow into Britain.

In spite of this disagreement, the reviewer holds that Professor Furber's work is one of the most painstaking and careful studies of the question undertaken by an American scholar.

The process by which the East India Company succeeded in securing control over India, as described by Professor Furber, has been clearly elaborated in *The Letters of Philip Meadows Taylor to Henry Reeve* covering the period of 1840-1849. In this private correspondence Mr. Taylor, who served the Nizam of Hyderabad in various capacities and carefully observed for more than a quarter of a century the developments of British expansion in India at the cost of the Indian Princely States, discloses how the Nizam of Hyderabad and other States were virtually under the control of British Residents, although in theory the British East India Company did not interfere with the internal affairs of these States.

These letters throw interesting light on policies of various Governors-General of India in matters of the Afghan War, the Burmese War, the War with Gwalior, the Sikh Wars, and British expansion in India. They also conclusively prove that treachery on the part of some Indian leaders and British ability to use one group of Indians against the other played an important rôle in the subjugation of India under British suzerainty.

The name of Mahatma Gandhi will always remain a part of the history of India's struggle for freedom from British rule. Therefore,

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every student of Indian history and Indian nationalism will have to consult *Gandhi's Autobiography* as a source material. But the present work, although very valuable and informative, does not contain a detailed explanation of any phase of the Indian nationalist movement. It is, however, extremely useful for interpretation of certain acts on the part of the Mahatma, especially those which seem to be somewhat peculiar. For instance, one may be baffled in trying to determine the motive behind Gandhi's support to the British in the First World War, even as a recruiting officer, although he was avowedly pacifist. Gandhi in his letter to the Viceroy answers it in the following fashion:

> I recognise that in the hour of its danger we must give, as we have decided to give, ungrudging and unequivocal support to the Empire of which we aspire in the future to be partners in the same sense as the Dominions overseas. But it is the simple truth that our response is due to the expectation that our goal will be reached all the more speedily. On that account, even as performance of duty automatically confers a corresponding right, people are entitled to believe that the imminent reforms alluded to in your speech will embody the main general principles of the Congress-League Scheme, and I am sure that it is this faith which has enabled many members of the Conference to render to the Government their full-hearted co-operation (p. 547).

In the same letter to the Viceroy, Gandhi made it clear that he was pro-Moslem, as he was pro-Hindu, and that he was also pro-British in his outlook on life:

> As a Hindu, I cannot be indifferent to their [Moslem] cause. Their sorrows must be our sorrows. In the most scrupulous regard for the rights of those [Moslem] States and for the Moslem sentiment as to their places of worship, and your just and timely treatment of India's claim to Home Rule lies the safety of the Empire. I write this, because I love the English nation, and I wish to evoke in every Indian the loyalty of Englishmen (p. 550).

Gandhi, till his last days, showed his regard for rights of Moslems in India and was more than generous to them even after India had been partitioned through the insistence of the Moslem League and Mr. Jinnah. Today India is ruled by Mr. Gandhi's friends and followers; and this accounts for their attitude toward the Moslems and the British Empire.

Gandhi was assassinated by a misguided Hindu youth, as a protest against the Mahatma's undue magnanimity toward the State of Pakistan, which was carrying on an undeclared war against the Union of India at Kashmir. There was also resentment against Gandhi's pro-

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posal that the Union of India should extend financial aid to Pakistan, that Moslem refugees in the Union of India should be treated with every consideration, and that there must be no retaliation on the part of the Hindus against the Moslems, as a matter of revenge for the ill-treatment meted out to Hindus—men, women and children. Mr. Godse, the assassin, during his trial made a statement to the effect that he committed the crime as a patriotic act, in order to save the Hindu community whose interests were being betrayed by Gandhi. There is no doubt that the Mahatma died a martyr to his cause of better understanding between the Hindus and Moslems of India.

Many books will be written about Gandhi, as many books have been written about Lincoln. *Mahatma Gandhi: An Interpretation* by E. Stanley Jones has special value. It is the work of an American Christian missionary who befriended Gandhi and regarded him as one of the few persons who have tried to live a Christ-like life. At the same time the author thinks that Gandhi, who was not baptized and did not give up his own religion of Hinduism, could not receive the grace of God through Christ. The chapter on "Gandhi and the Christian Faith" will be of some interest for all Christians, for it contains a discussion of Gandhi's reasons for opposing the Christian missionary movement of mass conversion.

The short chapter on "The Coming into Being of Pakistan" sets forth certain new facts regarding Gandhi's as well as the author's negotiations with Jinnah to prevent absolute separation of India and Pakistan. Gandhi regarded Pakistan or partition of India as sin, and he thought that some day Pakistan would be united with India. Mr. Jones writes:

> Again, Mahatma Gandhi was right when he said that Pakistan is sin. For it has turned out to be sin—sin against the millions who have perished as a result of partition, sin against those who have been uprooted from their native soil and made to seek a new beginning in a strange land, sin against the unity of a land that belongs fundamentally together, sin against the forty million Moslems who followed the will-o'-the-wisp of Pakistan and have floundered in the mire of disillusionment over the results. Moreover, there is this moral wrong which is at the center of Pakistan. The Moslems, represented by the Moslem League, did little or nothing to gain freedom for India. It was the Indian National Congress, which included many nationalist Moslems, that won it after years of struggle. Then the league stepped in at the close of that struggle and demanded a large share—an unearned share—and called it Pakistan. I was shocked when Gandhiji first used the word "sin," but I see that he had a way of hitting on the right word to express a situation (p. 50).

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For the sake of historical accuracy, it should be mentioned that the British government was a partner in supporting the sin of bringing about Pakistan and the Balkanization of India. It may be that the British government will start its atonement by stopping the military supplies with which Pakistan is making war against India in Kashmir. It may be that the British military and intelligence officers who are now in the service of Pakistan and are still engaged in widening the breach between India and Pakistan will be ordered to give up a policy which ultimately could injure Britain and the Anglo-American Powers, no less than the people of India and Pakistan.

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The Political Tradition of the West: A Study in the Development of Modern Liberalism. By FREDERICK WATKINS. Cambridge, Harvard University Press, 1948.—xiv, 368 pp. $5.00.

The identification of liberalism with the political tradition of the West, which is suggested by Professor Watkins' title, is intentional and signifies the purpose of his book. Liberalism as he conceives it is not a philosophy applicable to an economy of business enterprise alone, or even exclusively to a specific form of government. "It is the modern embodiment of all the characteristic traditions of Western politics" (p. ix). This is an index of the importance that attaches to the present crisis of liberalism and the threat inherent in totalitarianism, whether fascist or communist; for the issue is not merely between two political or economic alternatives but between the "acceptance or rejection of the Western political tradition." The reason for this is that liberalism is the modern representative of convictions which are present in European politics from antiquity and which have taken many forms but have never been abandoned. "Modern liberalism believes that freedom under law is the proper condition of man, and that the maintenance of that freedom depends on the subordination of government officials to the dictates of independently organized agencies of public opinion. In one form or another, these beliefs have always been the characteristic assumptions of Western politics" (p. x). They imply, on the one hand, the association of politics with jurisprudence rather than ethics and, on the other, the criticism and regulation of legally established institutions by the moral judgment of an enlightened public opinion. The first of these is essential because it gives the individual the privilege and

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the responsibility of determining his conduct within a framework of rights and duties that have been defined as precisely as possible. The second is essential because it is the only way "to keep the institutions of government in line with the expanding moral consensus of the community" (p. 118). This, far more than the routine of legislation, is the fundamental function of representative bodies. They are, or ideally ought to be, secular organs to express the moral judgment of the community, as the medieval church could claim to mobilize the moral force of Christendom.

Professor Watkins develops his account of liberalism in a series of chapters each dealing with a contribution of critical importance to the growing tradition. These begin with the Greek city-state which once for all laid down the principle that citizenship consists in liberty under the law. Christianity, with its dual organization of Europe under a secular and a spiritual authority, put totalitarianism outside the Western tradition: no political authority could claim to control every segment of human interest or to override every nonpolitical association. Even the crisis of the secularization of European society and the disruption of Christian unity was unable to break the force of this tradition. In modern political theory, as Professor Watkins reads it, the central place is held by Rousseau, because the theory of the General Will formulated the conception, necessary to liberalism, of a noncoercive, nonfrustrating community. Following Rousseau, liberalism developed under the eruption of three great social forces: the awakening of the middle class, the conservative reaction (which Professor Watkins identifies with the political awakening of the agricultural classes), and the awakening of the urban proletariat. Each of these classes approached politics with an "apocalyptic" theory that identified the social good with its own interests, and each was forced to compromise and revise its claims. The theory and practice of modern liberalism consisted first and foremost in recognizing that political organization is a crucial factor in realizing three types of social good—freedom of negotiation, social stability, and economic security—each of which had been put forward as an absolute claim in the ideology of one of the classes just mentioned.

The book is concluded with two chapters dealing respectively with the two forces of modern politics which liberalism never mastered and which are chiefly responsible for the present crisis, nationalism and dictatorship, and with a final chapter on "The Future of Liberalism". The last may be described as hopeful but not optimistic. The most that Professor Watkins is willing to say is that "there is no reason to believe that modern liberalism is inevitably doomed to

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extinction" (p. 367). Some such estimate of the difficulty inherent in extending liberalism beyond the European cultural area is implied by the view that political liberalism has been deeply involved in religious, ethical and social history. Professor Watkins is wholly realistic in his understanding of these difficulties and of the no less serious difficulties of restoring liberalism in the internal affairs of Europe.

The plan of Professor Watkins' book involves a measure of schematism in his treatment of the history of political philosophy, which after all is produced by individuals rather than by classes and is never quite oblivious of the general good even when it expresses "apocalyptically" the point of view of a class. I doubt, for example, whether the conservative reaction is adequately described as presenting the point of view of the agricultural interest and whether in particular this description applies to Hegel. The interpretation hardly gives enough weight to the wreckage of constitutional law occasioned in central Europe by the Napoleonic Wars. Queries of this sort, however, do not materially affect the historical validity of Professor Watkins' argument. His book succeeds admirably in its main purpose, which is to show that political liberalism has been deeply implicated in the whole development of Western culture.

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BOOK NOTES

Professor B. Wilkinson of the University of Toronto, a disciple of Tout in English medieval administrative history and a specialist in English constitutional history in the thirteenth and fourteenth centuries, is engaged in the preparation of a three-volume work to be entitled *The Constitutional History of England, 1216-1399, with Select Documents.* The first volume, *Politics and the Constitution, 1216-1307* (London, Toronto, New York, Longmans, Green and Company, 1948; xix, 240 pp. $3.75), has been published. The whole work, as planned, will form part of a longer series of volumes covering the entire middle age. The author has begun with the thirteenth and fourteenth centuries because that is the period with which he is most familiar. He intends to deal next with the hundred and fifty years between the Norman Conquest and the death of King John. Every editor of, or commentator on, medieval English constitutional documents must be indebted to Stubbs's classic *Select Charters,* first published more than seventy-five years ago, the ninth edition of which came out under the editorship of H. W. C. Davis in 1913. Professor Wilkinson explains in his Preface why he thinks that a new selection of documents, and not merely another edition of Stubbs, is called for: "Stubbs' whole interpretation of the evolution of the medieval constitution has inevitably, because of its very virtues, had to withstand three generations of comment and criticism, some of it possibly unjustified, but some of it unanswerable, either because it was based on a wider knowledge, or because it was the product of changed assumptions and beliefs. The following pages attempt to do what Davis did not do, to reflect these changes by a different and wider selection, and not merely to follow and correct Stubbs in the light of recent research." The chapters of the volume in hand, which deal respectively with the end of the minority of Henry III, the crisis of 1233-34, the "paper constitution" of 1244, the Provisions of Oxford, and the crisis of 1297, are organized on a consistent plan. Each contains a list of some recent works (including, be it gratefully noted, journal articles as well as books), an introduction to the documents presented, and the documents themselves, in English translation. The genteel fiction of Stubbs's day that every Englishman who might wish to read medieval documents was thoroughly familiar with medieval Latin and French is avowedly discarded in favor of the admitted fact

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that "many students in the past, and very many more in the present, could not and cannot use the *Select Charters* in the way Stubbs intended." Perhaps, however, the most important difference between Professor Wilkinson's method and that which Stubbs followed is pedagogical. Stubbs, in his editorial capacity, did not consider it incumbent upon him to discuss to any extent the problems of historical criticism and interpretation that confronted students of medieval English constitutional history in his day. "He gave little indication of all the doubts and uncertainties of constitutional history, of which, as a great scholar, he was very well aware." Professor Wilkinson, on the contrary, seeks "not only to illustrate the facts of constitutional history, about which most of us are agreed, but also the problems which confront us at the moment, arising out of modern research." What might be called his "problem approach" to sources is copiously illustrated in the several introductions which he gives to his documents. Students of thirteenth-century English constitutional history who are prepared to work intensively on documents will find this volume extremely helpful and stimulating. It would furnish a sound basis for the work of a seminar.—R. L. SCHUYLER, Columbia University.

Eric Fischer's dramatically entitled little book, *The Passing of the European Age*, first published in 1943, has achieved a second, revised edition (Cambridge, Harvard University Press, 1948; xv, 228 pp. $3.50). In part the revision fits the phrasing to a post-war situation, in part it supplies fresher data. But since no one is likely to want to consult this essay for the facts of contemporary political and cultural geography, the occasion for this new edition can arise only from a continued interest in its conclusions. These, the author's new Preface assures us, have not changed at all. They did not depend on the outcome of the war, since Dr. Fischer was confident that "even a German victory could not save (*sic*) European cultural predominance." Thus the language in which his central thesis is stated can remain the same in both texts: "European civilization is shifting its center of gravity to centers outside Europe" (p. xv), and "Among these centers, Europe's quest for political and economic leadership is hopeless. So is it in the cultural field" (p. 216). Linked, as they are, by ample and irrefutable demonstrations that in the past century the population and productivity of Siberia have increased, and so have the international influence of the United States and the cultural prestige of Latin America, these judgments have the air at once of timeliness and of magisterial, scientific authority. On re-

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flection, however, they prove extremely difficult to evaluate because their terms keep shifting. Sometimes "European Civilization" appears to mean the civilization of peoples living on the continent of Europe (including European Russia); sometimes it appears to mean the civilization derived from the cultural heritage of the West; at one point the civilization of the United States is said to be "Western" but not European. And the concept wavers in time as well as in space. After discussing the passing of civilizations on the pretentious level of Gibbon, Spengler and Toynbee, Dr. Fischer inserts the modifier "high" into his term and remarks that "high civilizations" never last long anyway, and that the one he is talking about, "European Civilization", only began toward the end of the seventeenth century, being separated from the "high civilization of the Renaissance" by the religious wars. Another major term, "center", proves equally slippery. Hispanic America and Pennsylvania Dutch Pennsylvania seem both to constitute "distinct"—and in Dr. Fischer's terms, one suspects, nearly equivalent—"cultural centers". "A shift in the political center of gravity" sometimes appears to mean the emergence of a new dominant power, and sometimes no more than a change in the relative weights in a complex balance. Everyone will agree that the age when Europeans dominated, or could think they dominated, the culture and politics of the entire globe has passed. But does this mean that the peoples of western Europe must hereafter abandon all hope of political or even cultural leadership in a world community? Unless leadership means domination, and culture is a function of power, nothing proves Dr. Fischer's more sweeping conclusion.—GARRETT MATTINGLY, Columbia University.

On Tyranny by Leo Strauss (New York, Political Science Classics, 1948; xiii, 121 pp.) is an interpretation of Xenophon's dialogue *Hiero*. In the first part of this dialogue the tyrant Hiero demonstrates to the wandering poet Simonides, who has asked him to compare the life of a tyrant with that of a private citizen, that the life of a tyrant is miserable: he cannot go where he pleases, he is oversatiated with luxury, he lives in constant fear, and he does not know the joys of love since he is not loved or cannot be sure that he is loved. In the second part Simonides shows him that by becoming a beneficent ruler and a servant of his people he can attain the highest good: to be happy without being envied. The author believes that Xenophon should be studied because one cannot understand modern tyranny without having first understood the simpler and more natural ancient tyranny, and because antiquity opposed to tyranny a

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science or knowledge of values, while modern value-free science becomes a tool of any form of government, including tyranny. He also opposes historicism as an attempt to understand an author merely as a product of his environment instead of asking what possible truth he tried to convey. With all this one can emphatically agree. In fact value-free social science, far from providing more "objective" guidance, has merely led to a condition where it is no longer considered contradictory if an author contends that there is no objective criterion by which to determine the preferability of a Hitlerian tyranny or of a system guaranteeing fundamental rights and then again, in moral indignation, demands "just punishment" for a whole nation. But it is difficult to follow the author further. He tries to make Xenophon's meaning clearer than Xenophon has made it himself; yet, in his exaggerated aversion to "historicism", he excludes all external historical evidence. A very important part of his interpretation, for instance, is based on the assumption that Hiero fears Simonides might try to overthrow his tyranny because he covets it himself. One might as well assume that Hitler feared Stephan George or Thomas Mann, not because they might disseminate dangerous ideas, but because he suspected them of wishing to become tyrants of Germany in his stead. True, Xenophon says that Hiero is afraid of wise men, because "they might contrive something." But the context shows that he is afraid of "wise men" among his subjects; and ancient and modern tyrants have always been most afraid of those "wise men" who did not covet tyranny for themselves. Hiero, in Xenophon's dialogue, is not afraid of the wise but disinterested stranger Simonides and can talk to him freely as he could not talk to one of his subjects. There are unfortunately a good many forced interpretations of this kind. But there are also a great many excellent points. If read with due caution Professor Strauss's work can certainly be read with great profit. One may, however, regret that a comparison has not been drawn with modern tyranny, in which tyrants often do not indulge in sensual pleasures and always claim to be beneficent and to rule for the benefit of the people.—KURT VON FRITZ, Columbia University.

Salvador de Madariaga's study of *The Fall of the Spanish American Empire* (New York, The Macmillan Co., 1948; viii, 443 pp. $5.00), together with his earlier volume on its rise, is a condensed English version of a work published in Spanish under the title *Cuadro histórico de las Indias*. Highly readable as it is, the English text is at many points less clear-cut than the Spanish. The author approaches his subject interestingly with a consideration of the "soul of the

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Indies" and the temperament, attitudes and mutual relations of whites, *mestizos*, Indians, and Negroes. Ensuing chapters analyze instances of rebellion among the different ethnic groups in the era of the conquest, the "after conquest" and the "vice-regal period". An essay on creole and peninsular criticism of the Spanish colonial system serves as a transition to the study of external influences which Madariaga classifies as "four philosophers" (Montesquieu, Rousseau, Voltaire and Raynal), "three brotherhoods" (Jews, Freemasons and Jesuits), and three revolutions (American, French and Haitian). The book ends with a discussion of the precursors of independence with special emphasis on Miranda, the key personality in whose career the forces of the era came to a focus. Madariaga's thesis is that antagonisms of a highly complex nature within colonial society (at the outset largely based on color) were gradually transformed into others in which attachment to the soil was dominant. Loyalty to the crown and a "reaching for whiteness" were finally superseded by the more abstract ideals provided by the Enlightenment, given expression in revolutionary examples, and aided by the intrigues of anti-Spanish groups. What we are given, thus, is a view of the evolution, psychological and intellectual, of the attitudes of elements in colonial society toward each other and the mother country. Undoubtedly this is a crucial problem, but it is not the only one that must be considered in an inquiry into the reasons for the secession movement in the empire. Many political and economic developments which paralleled the cultural process are disregarded or given only casual attention. There is also a wide variation in the thoroughness of treatment of themes which are included. The best parts of the book are those dealing with tensions within the Indies, especially in the sixteenth century, into the literature of which the author has delved extensively (though with some odd omissions). The chapter on Miranda is discerning, and solidly based on the published *Archivo de Miranda*. The essay on the Enlightenment is brilliant, though limited to its political philosophy. Other chapters, particularly those on the foreign revolutions and the eighteenth-century disturbances, are sketchy and perfunctory. Weakest of all are the sections on the influence of Jews, Freemasons and Jesuits, where Madariaga appears to mount a hobby horse, somewhat à la Bernard Faÿ, and largely departs from sober use of evidence. The author's honest effort to eschew vulgar national prejudice is patent, though it is obviously impossible (even if it were desirable) for him to suppress his Spanish character. His wide acquaintance with European and American history and literature relieves his work of the provincialism so often evident in Hispanic American historiog-

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raphy. The political philosophy of the author of *Anarchy or Hierarchy* is evident here, but the retreat from democratic ideology is not into totalitarianism, but into an area of humane mysticism. It is not unlikely that sociologists, psychologists and anthropologists will condemn the book for its method, which is hardly scientific, but every reader can profit from contact with a fertile and original mind. CHARLES C. GRIFFIN, Vassar College.

In *Congressional Elections, 1896-1944* (Norman, University of Oklahoma Press, 1947; xiii, 110 pp. $2.00) Professor Cortez A. M. Ewing has written a valuable statistical sequel to his *Presidential Elections* based upon an exceedingly thorough analysis of twenty-five congressional elections covering a vital fifty years in American politics. Individual chapters—almost self-contained essays—include: "The Growth of Congress", "The Modern Party Battle", "Popular Support of Major Parties", "The Battle in the Constituencies", "Third Parties and Splinters", and "Evaluation of the Plurality System". The author is never overwhelmed by his imposing figures which are borne lightly on a series of summary generalizations and useful insights. Chapter One is a brief exercise in political dynamics emphasizing the interaction of area, population, social change and politics. Tables are employed to summarize graphically such data as the number of congressional seats contested from 1896 to 1944, who won each, the total number of votes cast, the distribution of party success, total plurality vs. house control, congressional vs. presidential totals, and sectional results in greater detail than they have ever been presented before. The analysis clarifies basic trends and reinforces these among other accepted hypotheses: the distribution of party victories has been unusually equal; overrepresentation tends to be cancelled out; Democratic strength is more general throughout the country than Republican; and success in presidential elections goes to the party in majority control of the House of Representatives. Despite italicising this last conclusion, Professor Ewing leaves the door open for what happened in 1948. Incidentally, much of this analysis is relevant to the prediction fiasco of last November. The last chapter concludes that, in terms of popular votes translated into seats, our system compares favorably with proportional representation. If, as admitted on page 79, sectional political trends may move at different speeds and in opposite directions, does overrepresentation really cancel out? Does the way Congress is organized and operates modify the general balance revealed in these figures? Can a system based upon single-member geographical districts produce actual as distinct from mathematical

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representation when conflicting political needs and ideas do not conform to such districts? Perhaps these queries are pointed to the book Professor Ewing did *not* write; the one he did write is first-rate.—RICHARD C. SNYDER, Princeton University.

A survey of the character of American regions in earlier times is presented in *Historical Geography of the United States* (New York, Harcourt, Brace & Co., 1948; viii, 596 pp. $7.50) by Ralph H. Brown of the University of Minnesota. In this distinguished book, the fruitful result of some twelve years of scholarly search and integration, the author has drawn heavily upon original, eyewitness accounts and contemporary maps to recount the rôle which geography played during the long span of tumultuous, insistent decades which saw the occupancy and settlement of a land superbly endowed to give bone and sinew to the fledgling nation created out of the English colonies along the Atlantic. Recognizing that "men at all times have been influenced quite as much by beliefs as by facts", Professor Brown has, so far as possible, related the march of events not as, looking backward, we see it today, but as contemporary history. Readers will find in the book innumerable examples of the effectiveness of beliefs in the occupancy and settlement of America. The idea of a "Great American Desert" is almost amusing today; mentally, it was a more powerful barrier than it proved in actuality to those of our forebears who first ventured across its aching distances. Though we know today that the grassland soils of our Middle West will continue to be abidingly and astonishingly fertile (if properly handled), there was a time when they were far less favored by settlers than were the soils of former woodlands, simply because of the heritage of the idea of wresting farm lands from forests. Professor Brown has, refreshingly, resisted the temptation to load his pages with documentary citations. For those who might wish to check his sources, or to use them to delve more deeply into some phase of an account so wide ranging in time, space and subject matter, he has provided an excellent annotated bibiliography of source material, some of it apparently little known and little appreciated by historians and by other historical geographers. For this he has placed us in his debt, as much, perhaps, as for the skillful use he himself has made of the material.—WILFRID WEBSTER, New York City.

Grass Roots History (Minneapolis, University of Minnesota Press, 1947; x, 266 pp. $3.00) by Theodore C. Blegen is, as the title suggests, both a defense of and an ample illustration of cultural history at the

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folk level. Beginning with a vigorous chapter of definition, he outlines the scope and need for the study of the simplest, and all too frequently neglected, aspects of American life. He calls for an enlightened regionalism, a regionalism which is not regional separatism, but an attitude which seeks to develop the cultural resources of an area through a comprehensive understanding of their historic roots, and to bring cosmic understanding from microcosmic awareness. He illustrates his thesis with fifteen chapters covering the details of life among the nineteenth-century Norwegian immigrants to the Minnesota section. Several of these are based upon letters written from immigrants to their families back in Norway—letters he has collected from the descendants of the recipients. The voyage over here, everyday life, the problems faced, the defeats and victories of pioneer life, shine through these letters with a striking intimacy. Other chapters concern their books, songs, holidays and folkways, the history of frontier medicine, advertising, church and politics. Each of these sections of the book is a valuable contribution to our knowledge of the Norwegian immigrant, but the importance of it lies in the suggestion it offers to future historians of other sections of the country, of other racial groups, other cultures. This is a seminal volume and it should suggest to hundreds of young scholars the possibilities in the migrational history of the Swedes, Jews, Finns, Irish and all the rest of us who came to this country with differing languages on our tongues. We have had enough of statistical histories of immigration; what did these dots on the graphs eat and sing, what stories did they tell, how long before they adopted American foods and holidays, how did the women feel about their sons and daughters marrying "Americans", how long before the shanty became a hut, and the hut a house? This is a book for professors in our graduate schools to keep within arm's reach, that they may thrust it into the sweaty hands of the perennial student who cannot find a thesis subject. It should give the bright ones some ideas—including, God willing, the idea that good history can be well written.—Louis C. Jones, New York State Historical Association.

A new and valuable chapter in the history of the coming of the American Revolution is the story of *General Gage in America* (Baton Rouge, Louisiana State University Press, 1948; xi, 313 pp. $4.00) by John Richard Alden. It is a history of some of the best-known as well as the least-known episodes of our late colonial period: Braddock's defeat, the conquest of Canada, the conspiracy of Pontiac, and the mounting tension of successive "incidents" in New England. In

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all of these Gage had important parts to play. His reputation for Americans, which has heretofore rested on his actions as governor of Massachusetts Bay at the time of the march to Lexington and Concord, and the subtitle of the book, *Being Principally a History of His Role in the American Revolution,* are alike misleading and give the impression that Gage was most important for his actions after the fighting broke out. Actually, fully one third of the book falls in the period before 1763, and the remainder stresses his rôle between 1763 and his departure from America in 1775. It is an account of the problem of the commander-in-chief in America as represented successively by Braddock, Shirley, Abercromby, Loudon, Amherst, and Gage himself who had served under all the others. Alden cleverly weaves the life of his protagonist into the history of his times. The new information about Gage contributes to an understanding of the period, while events themselves provide the necessary backdrop for an appreciation of Gage's contribution. Alden's defense of Gage from the accusation that he was in effect a viceroy is well founded in a critical analysis of Gage's powers and actions. Responsible for British hegemony in the colonies, Gage had but little influence upon British policy and little power in civil matters. The tragedy of his career lay in the failure of his efforts to impress upon his superiors in the Ministry the nature of the impending conflict, the inflexible determination of the American radicals, and the enormity of the job which would fall upon any who attempted to police the colonists. Some writers have been criticized for undue adherence to the British point of view, while others have committed just as serious an error in justifying the colonists on the basis of legal and moral "rights" which are not in accordance with the facts of their colonial status. Alden shows how both colonists and English officials felt but avoids condemning either. He rightly concludes that an understanding of the Revolution is more valuable than justification of either contestant. —G. M. WALLER, Amherst College.

The autobiography of a professor is a rather rare event. Ordinarily it arouses a slight subjective flurry of interest among the professors and then proceeds quietly to the library shelf, cross-catalogued to educational sociology. M. J. Bonn's *Wandering Scholar* (New York, The John Day Company, 1948; 403 pp. $5.00) will properly have a much wider circle of readers. The title is peculiarly appropriate, for few scholars have wandered so much, both voluntarily and in exile. Born (1873) and formally educated in Germany, Bonn spent many years of his life abroad—in Ireland, England, South Africa and the

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United States, not to mention innumerable shorter sojourns in France, Italy, Austria, Switzerland and elsewhere. Born into a banking family of some means, modest in his requirements, and always in demand as a lecturer, he has been free to come and go. His real home has been his special science, political economy. There he has belonged to no one school. He has been on intimate terms with all kinds of theorists from Communists to conservatives, but has looked at theories as well as at men and events with the " contrarious mind " (p. 397) of " an outsider " (p. 353). It was only in part his status as a wanderer that made him acutely objective, whether at home or abroad; this attribute was inbred in his personality, set somewhat apart as he was by his Jewish origins, his rather delicate frame and heart, and the reserved, aristocratic traditions of his family. But his friendliness, his willingness always to be of service, his lack of political ambition, his cultural refinement, his practical good sense, and his absolute honesty caused him to be sought out everywhere by the great and the near great and sometimes to be assigned important duties of state. Bonn considers that his chief task in life, synonymous with the preservation of Western civilization, was to interpret Germans and the Anglo-Saxons to one another (p. 358), one which did not terminate with Hitler's accession to power and his own exile from Germany and the *Rectorate Magnificus* of the Berlin College of Commerce. No historian and no political economist can afford to overlook Bonn's brilliant judgment of events and of men in the first half of the fateful twentieth century.—BRYN J. HOVDE, New School for Social Research.

The late Director General of Morocco and Colonies of Spain, Juan Fontán Lobé, served his government for many years in Africa. He became deeply interested in the literature regarding that continent, accumulated a large library on subjects relating to it, and compiled a card index of books, pamphlets and articles dealing with Africa. The Dirección General de Marruecos has published, in honor of the memory of the compiler, the nearly 17,000 entries of this index under the title, *Bibliografía Colonial: Contribución a un índice de publicaciones africanas*, by Juan Fontán Lobé (Madrid, Dirección General de Marruecos, 1946; 669 pp.) Each entry gives first the title of the book or article. In case the item was not personally examined, an indication of the source from which the information was secured is added. For the articles, the reference to the corresponding review is given. Also in many instances, a library in Spain where the work may be consulted is indicated. There is an extensive subject index, which greatly adds to the usefulness of the volume. In it, there are

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entries for the various subdivisions of Africa and the colonial Powers, as well as subjects (in order of the number of entries), such as medicine, agriculture, ethnography, slavery, administration, economy, commerce, colonial expansion, art, and others. An examination of the titles, however, reveals many other interesting subjects which might well have been brought out in the indexing, such, for example, as history, fruits, cotton, rubber, marriage, yellow fever, and so on. It is noted that only one per cent of the entries are by American authors. The volume is a useful reference work for students interested in Africa and gives an extensive indication of European materials, particularly in the Spanish, French and Portuguese languages.—Roscoe R. Hill, Washington, D. C.

The following volumes in COLUMBIA STUDIES IN HISTORY, ECONOMICS, AND PUBLIC LAW have recently been published, or are now in press.

547—*The Animating Pursuits of Speculation: Land Traffic in the Annexation of Texas.*
By Elgin Williams — Price, $3.25

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549—*The Church-State Relations in Guatemala.*
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By Melvile J. Ulmer. — *In press.*

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By Bela Gold. — *In press.*

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By John A. Garraty. — *In press.*

553—*Has Market Capitalism Collapsed? : A Critique of Karl Polanyi's New Economics.*
By Allen M. Sievers. — *In press.*

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